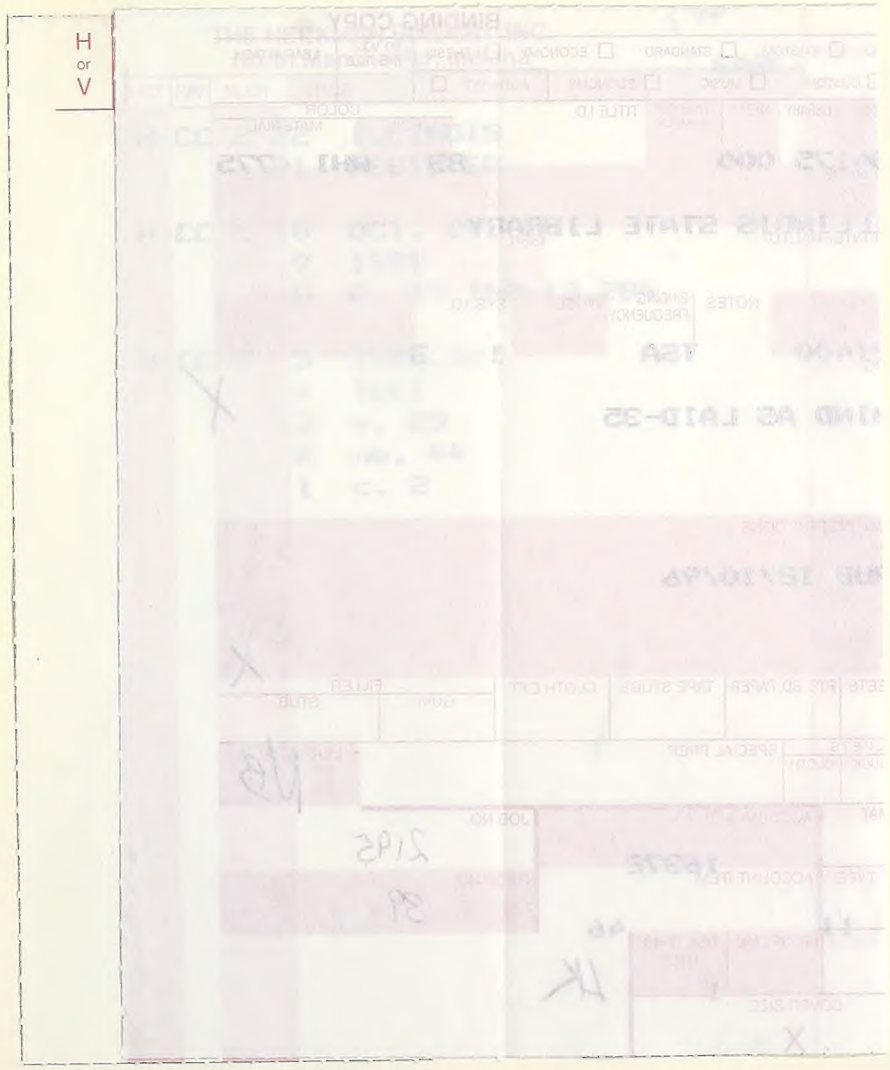


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Illinois Register

Rules of Governmental Agencies

Volume 23, Issue 44 — October 29, 1999

Pages 13,142 – 13,284

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April	16, 1999 - Issue 16: Through	March	31, 1999
July	16, 1999 - Issue 29: Through	June	30, 1999
October	15, 1999 - Issue 42: Through	September	30, 1999
January	21, 2000 - Issue 3: Through	December	31, 1999 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1999

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 21, 1998	January 4, 1999 *	Issue 28	June 28	July 9
Issue 2	December 28	January 8	Issue 29	July 6 ***	July 16
Issue 3	January 4, 1999	January 15	Issue 30	July 12	July 23
Issue 4	January 11	January 22	Issue 31	July 19	July 30
Issue 5	January 19	January 29	Issue 32	July 26	August 6
Issue 6	January 25	February 5	Issue 33	August 2	August 13
Issue 7	February 1	February 16	Issue 34	August 9	August 20
Issue 8	February 8	February 19 **	Issue 35	August 16	August 27
Issue 9	February 16 ***	February 26	Issue 36	August 23	September 3
Issue 10	February 22	March 5	Issue 37	August 30	September 10
Issue 11	March 1	March 12	Issue 38	September 7 ***	September 17
Issue 12	March 8	March 19	Issue 39	September 13	September 24
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Issue 16	April 5	April 16	Issue 44	October 12 ***	October 22
Issue 17	April 12	April 23	Issue 43	October 18	October 29
Issue 18	April 19	April 30	Issue 44	October 25	November 5
Issue 19	April 26	May 7	Issue 45	November 1	November 12
Issue 20	May 3	May 14	Issue 46	November 8	November 19
Issue 21	May 10	May 21	Issue 47	November 15	November 29 *
Issue 22	May 17	May 28	Issue 48	November 22	December 3
Issue 23	May 24	June 4	Issue 49	November 29	December 10
Issue 24	June 1 ***	June 11	Issue 50	December 6	December 17
Issue 25	June 7	June 18	Issue 51	December 13	December 24
Issue 26	June 14	June 25	Issue 52	December 20	December 31
Issue 27	June 21	July 2	Issue 1	December 27	January 7, 2000

* Monday following a state holiday.
** Tuesday following a state holiday.
*** Since the state holiday is a Monday, the deadline is Noon on Tuesday.

Printed by authority of the State of Illinois
October 1999 – 675 – GA-601

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Appeal of Child Abuse and Neglect Investigation Findings

2) Code Citation: 89 Ill. Adm. Code 336

3)

Section Numbers:	Proposed Action:
336.20	Amend
336.30	Amend
336.40	Amend
336.50	Amend
336.60	Amend
336.70	Amend
336.80	Amend
336.90	Amend
336.100	Amend
336.110	Amend
336.120	Amend
336.130	Amend
336.140	Amend
336.150	Amend
336.160	Amend
336.170	Amend
336.180	New
336.190	New
336.200	New
336.210	New
336.220	New
336.230	New

4) Statutory Authority: 325 ILCS 5/7.16

5) A Complete Description of the Subjects and Issues Involved: Primary revisions to this Part implement a 90-day process for administrative appeals of indicated findings of child abuse or neglect. Other proposed revisions address the addition of the Juvenile Court Act standard of evidence to allow hearsay; the subpoenaing of children under 14 years of age; changes in the Abused and Neglected Child Reporting Act concerning appeals for failing to remove an unfounded report; default of the Department; and discovery.

6) Will these proposed rules replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? No

9) Are there any proposed amendments to the Part pending? No

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives: Not applicable.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Sue Howell
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: 217/524-1983
TDD: 217/524-3715
Internet address: ORPINFO@pop.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda in which this rulemaking was summarized: January 1999

The full text of the proposed amendments begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 336
APPEAL OF CHILD ABUSE AND NEGLECT
INVESTIGATION FINDINGS

Section
336.10 Purpose
336.20 Definitions
336.30 Notice of Department Decision ~~Who May Appeal~~
336.40 Notice of the Right to Appeal and Receive an Administrative Hearing ~~What May Be Appealed~~
336.50 Who May Appeal ~~What May Not Be Appealed~~
336.60 What May Be Appealed ~~The Right to Appeal and Receive a Fair Hearing~~
336.70 Appearance/Authorization to Represent ~~Notices of Department Decisions~~
336.80 How to Request a Hearing/Sufficiency ~~The Appeal Process~~
336.90 Confidentiality During the Expungement Process ~~Child--Protection Internal Review~~
336.100 Rights and Responsibilities in Administrative Hearings ~~Notice--of Internal Review Decision~~
336.110 The Administrative Hearing and Pre-Hearing Conference
336.120 The Administrative Law Judge ~~Rights--and--Responsibilities--in Administrative Hearings~~
336.130 Consolidating and Severing Issues and Parties ~~The Administrative--Law Judge~~
336.140 Exchange of Information ~~Combined or Separate Hearings~~
336.150 Continuances ~~Final Administrative Decision~~
336.160 Attendance of Witnesses ~~Records of Administrative Hearings~~
336.170 Testimony by Telephone ~~Severability of This Part~~
336.180 Interpreters
336.190 Grounds for Dismissal
336.200 Abandonment of Appeal/Default
336.210 Record of an Administrative Hearing
336.220 Final Administrative Decision
336.230 Severability of This Part

AUTHORITY: Authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5]; implementing Section 7.16 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.16].

SOURCE: Adopted at 17 Ill. Reg. 1026, effective January 15, 1993; amended at 19 Ill. Reg. 3465, effective March 1, 1995; emergency amendment at 20 Ill. Reg. 4817, effective March 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10317, effective August 1, 1996; amended at 24 Ill. Reg. _____, effective _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 336.20 Definitions

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

inflicts, causes to be inflicted, or allows to be inflicted upon such child physical or mental *injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;*

creates a substantial risk of physical or mental *injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;*

commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age;

commits or allows to be committed an act or acts of torture upon such child; or

inflicts excessive corporal punishment. [325 ILCS 5/3]

"Administrative hearing" in the context of this Part means a formal review of a decision made by a Department child protection investigator ~~which has been upheld by an internal review~~.

"Administrative law judge" means a licensed ~~an~~ attorney who is appointed by the Director of the Department and is responsible for conducting the administrative hearing, including pre-hearings, and issuing a recommended decision ~~fair hearing~~.

~~"Administrator of the Administrative Hearing Unit"--means--the--person who--is-responsible-for-coordinating-the-administrative-hearing-appeal process.~~

~~"Administrator of the child protection internal review--system"--means the--person--who--is-responsible-for-coordinating-the-child-protection internal review process.~~

"Amend" as used in this Part means changing an allegation contained in an indicated report of child abuse or neglect or changing identifying information regarding the subjects of an indicated child abuse or

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

neglect report.

"Appeal process" means the prehearing conference and ~~two-step appeal process, including the child protection internal review and the~~ formal administrative hearing.

"Appellant" means the person who requests a review or administrative hearing or in whose behalf a review and administrative hearing is requested.

"Authorized Representative" means a person, including an attorney, authorized in writing by a party to assist in the appeal process. If the party is unable to reduce the authorization to writing, the Department, on request, shall assist the party in doing so.

"Chief Administrative Law Judge" means the person who is responsible for the supervision of the Administrative Law Judges and the coordination of the administrative hearing appeal process.

"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services. [325 ILCS 5/3].

~~"Child protection appeal form" means the Department's form used to gather appellants' information supporting their request to amend or expunge the indicated report.~~

~~"Child protection internal review" means an informal review held at the Department's child protection administrative level in order to reevaluate the determination made by a child protection investigator.~~

"Credible evidence of child abuse or neglect" means that the available facts, when viewed in light of surrounding circumstances, would cause a reasonable person to believe that a child was abused or neglected.

"Date of action" means the date on which any Department action becomes effective.

~~"Date of appeal" is the postmark on the appellant's request to appeal the Department's decision that the report was indicated.~~

"Day", for purposes of computation of time, means calendar day.

"Department" means the Illinois Department of Children and Family Services.

"Department's representative" means the person who is responsible for presenting the Department's case.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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"Discovery", for purposes of this Part, means the rights of any party to request and have access to, in advance of the pre-hearing, any documents and list of witnesses in the possession of any other party.

"Expunge", as used in this Part, means removing identifying information regarding the subjects of an indicated child abuse or neglect report from the computer file of the State Central Register and from paper records kept by the Department.

"Final administrative decision" means the Department's final decision, order or determination on an appealed issue rendered by the Director in a particular case, which affects the legal rights, duties or privileges of participants and which may be further appealed to the circuit court under the Administrative Review Law.

"Indicated report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Individual legally acting on a person's behalf" means an individual who has been appointed by a court of competent jurisdiction to act on behalf of a person when the person is incompetent, incapacitated, or otherwise determined unable to represent himself or herself.

"Neglected child ~~Child~~" means any child ~~whose parent or other person responsible for the child's welfare withholds or denies~~ who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care denied solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is ~~does~~ not receiving ~~provide the~~ proper or necessary support, or medical or other remedial care recognized under State law as necessary for a child's well-being (including where there is harm or substantial risk of harm to the child's health or welfare), *or other care necessary for a child's well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who is a newborn infant whose blood, ~~or~~ urine or meconium contains any amount of controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant. A child shall not be considered neglected ~~or abused~~ for the sole reason that the ~~such~~ child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected or abused for the sole reason that such child's*

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care under Section 4 of the Abused and Neglected Child Reporting Act ~~{325 ILCS 5/3}~~. Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk of harm because such parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, such child is subject to the requirements of this Act for the reporting of, investigation of, and provision of protective services with respect to such child and his health needs, and in such cases spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for such necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary. *A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code.* [325 ILCS 5/3]

"Parents" means the child's legal parents whose rights have not been terminated.

"Parties" means the Department and those persons who have appealed the final decisions made by the Department. No person may join in an appeal unless that person would have standing to appeal the decisions himself or herself.

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect. [325 ILCS 5/3]

"Person responsible for the child's welfare" means the child's parent; guardian; foster parent; operator, supervisor, or employee of *a public or private residential agency or institution;* or *public or private profit or not-for-profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, and volunteers or support personnel in any setting where children may be subject to abuse or neglect.* [325 ILCS 5/3]

"Preponderance of the evidence" means the greater weight of the evidence or evidence which renders a fact more likely than not.

"Request for an appeal" means the written request by an appellant for an administrative hearing to determine whether the record of the

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report should be amended, expunged, or removed on the grounds that it is inaccurate or being maintained in a manner inconsistent with the Abused and Neglected Child Reporting Act. If the appellant is unable to request an appeal in writing, the Agency shall help the appellant put the request in writing.

"State Central Register" means the specialized Department unit which receives and transmits reports of alleged child abuse and neglect.

"Stipulation" means an agreement by the parties that certain facts are true and can be introduced into evidence without further proof.

"Subject of report" means any child reported to the State Central Register, and his or her parent, personal guardian, or other person responsible for the child's welfare, who is also named in the report. [325 ILCS 5/3]

"Timely written notice" means a notice which complies with the requirements of Section 336.80(b) of this Part.

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists. [325 ILCS 5/3]

"Unknown perpetrator" means a person who may have caused specific abuse or neglect, but has not been identified or made known to the authorities.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 336.30 Notice of Department Decision ~~Who May Appeal~~

The State Central Register shall provide a written notification of final disposition of each child abuse and neglect investigation. The notice shall provide the following information:

a) a specific statement whether the Department has determined the report indicated or unfounded as a result of an investigation;
b) the name of the perpertrator;
c) the allegations determined indicated;
d) length of time the indicated case shall be retained by the Department;
e) a statement that a Department review of an indicated decision is available;
f) a statement that, if a review of the Department's decision is desired, it must be requested in writing within 60 calendar days after the postmark on the notice; and
g) the name and address of the individual who must be contacted in order to request a review of the Department's decision.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~a) Any person who has been named as a subject in a report of child abuse or neglect has the right to appeal any of the action(s) or inaction(s) listed in Section 336.40 of this Part, personally or by:~~
~~1) the appellant's authorized representative. Such authorization must be in writing and notarized. The representative may be legal counsel, a relative, a friend or other spokesperson; or~~
~~2) an individual legally authorized to act on behalf of the appellant when the appellant is incompetent, incapacitated, or otherwise unable to speak for him/herself. A certified copy of the court order authorizing the individual to act on behalf of the appellant must be provided.~~
~~b) If an appellant has an authorized representative or an individual legally acting on the appellant's behalf, that representative or individual may exercise the rights of the appellant in the appeal process. These rights include the right to:~~
~~1) review and copy record material;~~
~~2) receive Department notices;~~
~~3) speak in the administrative hearing process; and~~
~~4) take any other actions permitted an appellant during the appeal process.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 336.40 Notice of the Right to Appeal and Receive an Administrative Hearing ~~What May Be Appealed~~

a) The Department shall provide clear instructions on how to request and receive an administrative hearing. This explanation shall be provided within 10 days after the final determination has been entered into the State Central Register.
b) Language of Notices
All written notices used in this Part shall be in the primary language of the person to whom the notice is sent.
c) To begin the appeal process the subject shall request in writing that the Department review its decision. The request must be mailed or faxed to the address or fax number designated in the written notice within 60 calendar days after the date of issuance on the notice of the Department's decision that the report was indicated.
d) Upon receipt of a timely request for an appeal, the Department shall send the appellant within 20 days after the receipt of the request a copy of the investigative file from which confidential information has been deleted in accordance with 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department.
e) When requested, Department staff shall assist the subjects of a child abuse or neglect report in preparing a written brief of appeal.
f) The Department shall not hinder an appellant who wishes to proceed with the appeal process.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

g) Other Notices
The following notices shall be hand-delivered with a certificate of delivery or sent by certified mail, return receipt requested, to "the addressee only":
1) notice of pre-hearing conference and administrative hearing dates; and
2) notice of final administrative decision.

~~The following issues may be appealed through the appeal process:~~
~~a) an indicated finding of child abuse or neglect;~~
~~b) failure to remove an unfounded report of child abuse or neglect from the State Central Register within 30 calendar days of the determination that the report is unfounded, unless the report is being retained as a false report per the subject's request;~~
~~c) refusal or failure to grant a request for an internal child protection review within the time frames specified in this Part, for the purpose of expunging or amending information contained in the child abuse and neglect investigation record or removing the record entirely; and~~
~~d) refusal or failure after an internal review to expunge, amend or remove information about an indicated report of child abuse or neglect that the appellant believes is inaccurate or maintained in a manner inconsistent with the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2051 et seq.).~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 336.50 Who May Appeal ~~What May Not Be Appealed~~

Any person who has been named as a subject in an indicated or unfounded report of child abuse or neglect has the right to appeal any of the actions or inactions listed in Section 336.60 of this Part. The appeal may be filed by:
a) the appellant personally; or
b) the appellant's authorized representative; or
c) an individual legally acting on a person's behalf. If the appeal is filed by an individual legally acting on a person's behalf, the individual must provide a certified copy of the court order authorizing the individual to act on behalf of the appellant.

~~The administrator of the child protection internal review system will decide whether an issue is appropriate for an internal review pursuant to Section 336.40 of this Part. The Administrator of the Administrative Hearing Unit will decide whether an issue is appropriate for the administrative hearing process pursuant to Section 336.40 of this Part. The following circumstances are not appropriate for the appeal process:~~
~~a) when the Department has already made a final administrative decision on the issue as a result of a previous appeal;~~
~~b) when the issue is not regarding a child abuse or neglect report as defined in 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect. These issues may be appealed through a different appeal and~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~administrative hearing process as identified in 89 Ill. Adm. Code 435, Administrative Appeals and Hearings;~~

~~c) when a court has made a judicial decision on the issue being appealed or a judicial finding of child abuse or neglect has been made and the appellant is requesting that the record of the report of child abuse or neglect be expunged, amended or removed; or~~

~~d) when the 60 day time frame for requesting an appeal has expired. Section 336.80 of this Part, The Appeal Process, explains how to calculate the 60 day timeframe.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 336.60 What May Be Appealed ~~The Right to Appeal and Receive a Fair Hearing~~

The following issues may be appealed through the appeal process:

a) an indicated finding of child abuse or neglect;

b) failure to remove an unfounded report of child abuse or neglect from the State Central Register involving the death of a child, the sexual abuse of a child, or serious physical injury to a child after the passage of three years from the date the final finding is entered into the State Central Register, unless the report is being retained as a false report at the subject's request;

c) failure to remove an unfounded report made by a mandated report involving a report designated as a Priority One or Two in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect) after the passage of 12 months from the date the final finding is entered into the State Central Register, unless the report is being retained longer under subsection (b) of this Section or the report is being retained as a false report at the subject's request;

d) failure to remove an unfounded report made by a mandated reporter involving a report designated as a Priority Three in Appendix B of 89 Ill. Adm. Code 300 after passage of 60 days from the date the final finding is entered into the State Central Register, unless the report is being retained longer under subsection (b) or (c) of this Section or the report is being retained as a false report at the subject's request;

e) failure to remove any other unfounded report, not retained for a longer period of time under any of the preceding subsections, within 30 days from the date the final finding is entered into the State Central Register, unless the report is being retained as a false report at the subject's request; and

f) refusal or failure to expunge or remove information about an indicated report of child abuse or neglect that the appellant believes is maintained in a manner inconsistent with the Abused and Neglected Child Reporting Act.

~~a) The Department shall inform the subjects of a child abuse or neglect~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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~~report of the right to a child protection internal review and administrative hearing related to the Department's decision. The Department shall provide clear instructions on how to request a child protection internal review and receive an administrative hearing, if appropriate. This explanation shall be provided within 10 days after the investigation of a report of child abuse or neglect has been completed and the final determination has been entered into the State Central Register.~~

~~b) This explanation shall be provided in writing in the subject's primary language.~~

~~c) When requested, Department staff shall assist the subjects of a child abuse or neglect report in preparing a written appeal.~~

~~d) The Department may not hinder an appellant who wishes to proceed with the appeal process.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 336.70 Appearance/Authorization to Represent ~~Notices of Department Decisions~~

a) During the appeal, parties may represent themselves or may be represented by an Authorized Representative.

b) No person shall be allowed to act as an Authorized Representative in any matter before the Administrative Hearings Unit without first filing a written authorization with the Administrative Hearings Unit. The authorization shall be effective only for the particular matter in which it is filed, unless the matter has been consolidated with other proceedings by order of the Chief Administrative Law Judge or the assigned Administrative Law Judge.

c) No particular form is required to file a written authorization for representation. However, all authorizations filed with the Administrative Hearings Unit shall be notarized, signed by the appellant and Authorized Representative, and identify:

1) the name, address, and phone number of the party represented;
2) the name, address, and phone number of the authorized representative; and
3) the appeal in which representation is authorized.

d) An Authorized Representative may exercise the rights of the appellant in the appeal process. These rights include the right to:

1) review and copy material placed in record during the proceeding;
2) receive Department and administrative hearing notices;
3) request and receive discovery materials;
4) speak, or otherwise be heard, on behalf of the appellant in the administrative hearing process;
5) have an interpreter at the Department's expense; and
6) take any other actions permitted an appellant during the appeal process.

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~~a) Required Notices~~
~~Subjects have the right to receive a timely written notice of Department decisions as to whether a child abuse or neglect report is "indicated" or "unfounded." In order for a notice to be considered "timely", it must be mailed within 10 calendar days after the final determination has been entered into the State Central Register.~~
~~b) Content of Notices~~
~~Each required notice of a Department decision shall:~~
~~1) include a specific statement whether the Department has determined the report is indicated or unfounded as a result of an investigation;~~
~~2) state that a Department review of an indicated decision is available;~~
~~3) state that, if a review of the Department's decision is desired, it must be requested in writing within 60 calendar days of the postmark on the notice; and~~
~~4) provide the name and address of the individual who must be contacted in order to request a review of the Department's decision.~~
~~c) Written Notices~~
~~All written notices used in this Part shall be in the appellant's primary language.~~
~~d) The following notices shall be hand delivered with a certificate of delivery or sent by certified mail, return receipt requested, to "the addressee only":~~
~~1) the Department's decision that a report is indicated;~~
~~2) the final administrative decision of an administrative hearing.~~
~~e) All other notices referenced in this Part shall be sent by regular mail.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 336.80 How to Request a Hearing/Sufficiency ~~The Appeal Process~~

After the Department has indicated a report and issued a notice of a right to an administrative hearing, a subject of a report may appeal by filing a timely and sufficient written Request for Appeal at the offices of the Administrative Hearings Unit.

a) For purposes of determining timeliness, an appeal shall be deemed filed:
1) as of the date of the postmark; or
2) as of the date of receipt by the Administrative Hearings Unit, if the appeal was filed in person at the office of Administrative Hearings Unit; or
3) the date the appeal was received by electronic facsimile transmission at the Administrative Hearings Unit office.

b) When the last day for the filing of an appeal falls upon a day on which the Administrative Hearings Unit is not open for business, an appeal shall be deemed timely if filed by the first regular business day thereafter.

c) An appeal shall be deemed sufficient if it provides the following information in legible form:
1) name, address and phone number (if any) of the appellant and the SCR number; and
2) a brief statement of the issues being appealed, which may include additional information for the Department's consideration as to why the Department should expunge or amend the report in the State Central Register.

d) In the event that the Chief Administrative Law Judge finds an appeal to be timely but not sufficient (see subsections (c)(1) and (2) above), the appeal and a request for the required missing information shall be returned to the appellant within five days after receipt by the Administrative Hearings Unit. If the appellant re-files a sufficient appeal within five days from the postmark of the date that appeal is returned, the appeal shall be considered timely. The Administrative Hearings Unit shall not consider an appeal actionable until receipt of a sufficient appeal. Any appeal that does not provide sufficient information for the Chief Administrative Law Judge to return the appeal to the appellant for resubmission of a sufficient basis for the appeal shall be dismissed.

e) Appellants unable to file a written request for an appeal may request and receive appropriate assistance from Department field office staff to ensure that a proper written request for an appeal is made.

~~a) There are two levels of appeal in the appeal process. The two levels are:~~
~~1) a child protection internal review; and~~
~~2) an administrative hearing.~~
~~b) To begin the appeal process the subject shall request in writing that the Department review its decision. The request must be mailed within 60 calendar days of the postmark on the notice of the Department's decision that the report was indicated. The request must be submitted to the Department staff person designated in the written notice.~~
~~c) If the appellant is unable to request an appeal in writing, the Department shall help the appellant put the request in writing upon request.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 336.90 Confidentiality During the Expungement Process ~~Child Protection Internal Review~~

a) The Department has an affirmative duty to protect the confidentiality of personal information, in accordance with 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the

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Department) and the Adoption Assistance and Child Welfare Act of 1980 (42 USC 671(a)(8)). Confidentiality shall be preserved throughout the administrative hearing, the transmittal of the Administrative Law Judge's recommendation to the Director and the release of the final administrative decision.

b) The Administrative Law Judge has the right to exclude any individual or agency who does not have the right of access to the information being presented in accordance with the federal Adoption Assistance and Child Welfare Act of 1980, the Children and Family Services Act, the Abused and Neglected Child Reporting Act, and any other pertinent Act.

c) The Administrative Law Judge has the authority to bifurcate the hearing into separate segments which deal with issues of other parties in order to preserve confidentiality as mandated under applicable statutes and rules and to prohibit discussion or introduction of evidence that is outside of the scope of the issues being presented in that segment.

~~a) A child protection internal review is required before an administrative hearing is granted unless the appellant has requested a child protection internal review and the request has been denied (e.g., the request for appeal was not received within required timeframes).~~

~~b) Upon receipt of the request for an appeal, the Department shall send the appellant, via certified mail, a child protection appeal form with a copy of the investigative file from which confidential information has been deleted in accordance with 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department.~~

~~c) The appeal form shall contain space for the appellant to submit a brief written summary which may include additional information for the Department's consideration as to why the Department should expunge or amend the report in the State Central Register.~~

~~d) The appellant shall return the appeal form to the Department within 45 calendar days of the postmark date that the form was mailed to the appellant.~~

~~e) The Department has 30 calendar days from the date the appeal form is returned to:~~

~~1) review the appeal form and the investigative file;~~

~~2) contact the appellant, if necessary; and~~

~~3) reach a decision on the appellant's request that the record be amended, expunged or removed.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 336.100 Rights and Responsibilities in Administrative Hearings ~~Notice of Internal Review Decision~~

a) An appellant may bring an Authorized Representative to the hearing.

Expenses of a representative or of an appellant's witnesses shall be paid by the appellant.

b) At the appellant's request, the Department shall arrange for an interpreter at no cost to the appellant if English is not the appellant's primary language or shall provide a sign interpreter or other assistance for communication if the appellant is hearing impaired.

c) During the administrative hearing, the appellant and the Department have the right to:

1) present and question witnesses;

2) present any information relevant to the issues;

3) question or disprove any information, including an opportunity to question opposing witnesses; and

4) dispose of any disputed issue by mutually agreeing to a resolution any time prior to the conclusion of the administrative hearing.

d) Before and during the administrative hearing:

1) the appellant may withdraw the appeal; and

2) the Department may expunge the indicated finding or amend the indicated finding to delete any information which identifies the appellant as a perpetrator.

e) In an administrative hearing concerning child abuse or neglect reports:

1) the Department carries the burden of proof of justifying the refusal to amend, expunge or remove the record; and

2) the Department must prove that a preponderance of the evidence supports the indicated finding, or that the record of the report is being maintained in a manner consistent with the Abuse and Neglected Child Reporting Act and in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect).

f) Hearings shall be recorded on audiotapes. However, any party wishing to have the proceedings recorded by a certified court reporter may do so at the party's own expense.

g) The Department has an obligation to present evidence which creates a full and complete record, subject to Department rules and statutes on confidentiality.

h) At any time prior to the commencement of the administrative hearing, the Department representative may add or amend the allegations which support the indicated finding against the appellant. The Department representative must notify the appellant and the Administrative Hearings Unit, in writing, of the new or amended allegation and provide the appellant with a concise statement of the facts that form the basis for the new or amended allegation. If the Department representative adds or amends an allegation after the pre-hearing conference, but prior to the commencement of the administrative hearing, the appellant, upon request, shall be entitled to a continuance for a reasonable period of time. This continuance shall not be attributed to the appellant.

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~~a) The child protection internal review administrator shall send the appellant a notice which explains the facts and information considered during the child protection internal review and explains the decision. The notice shall explain that:~~

~~1) the decision affirms the original decision, amends the indicated report, or reverses the indicated finding;~~

~~2) if the issue has not been resolved to the appellant's satisfaction, an administrative hearing may be requested by contacting the Administrator of the Administrative Hearing Unit; and~~

~~3) the request to appeal the decision of the internal review to an administrative hearing shall be made in writing. This request must be received by the Administrator of the Administrative Hearing Unit within 15 calendar days of the postmark on the notice of the child protection internal review administrator's decision.~~

~~b) If the decision of the child protection internal review reverses the indicated finding, a notice of the decision shall be sent to those listed in Section 336.150(c) and (d) of this Part.~~

~~c) If the decision of the child protection internal review upholds the indicated finding, and the appellant does not exercise the right to appeal the decision to an administrative hearing within the time frames specified in Section 336.110(a)(2) of this Part, a notice of the decision shall be sent to those listed in Section 336.150(c) and (d) of this Part.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 336.110 The Administrative Hearing and Pre-Hearing Conference

a) The Chief Administrative Law Judge shall:

1) in the absence of the agreement of the parties, schedule a pre-hearing conference at least 15 days before the first hearing date and a hearing at a date within 70 calendar days after the date of receipt of the appellant's request for an administrative hearing;

2) ensure that the administrative hearing is scheduled at a time and place reasonably convenient for all parties;

3) provide a written notice to the parties within 10 calendar days after the receipt of a sufficient request for an administrative hearing, which shall contain the following information:

A) the date and time of the pre-hearing conference;

B) the date, time, place and nature of the hearing;

C) the reasons which may be deemed an abandonment of the request for a hearing, thus constituting a waiver of the right to a hearing;

D) a citation to the provision in the Abused and Neglected Child Reporting Act which grants the Department of Children and Family Services the legal authority and jurisdiction to hold this hearing;

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E) a reference to the particular Sections of the statutes and administrative rules involved;

F) the allegations that were indicated;

G) the consequences of the appellant's failure to appear at the pre-hearing conference;

H) the docket number assigned to this case;

I) the name and mailing address of the Administrative Law Judge and all parties, unless the names or addresses are confidential under the Abused and Neglected Child Reporting Act or Department of Children and Family Services Act; and

J) a statement of the parties' rights during the administrative hearing.

b) The Administrative Law Judge shall address the following issues during the pre-hearing conference:

1) Whether parties have exchanged lists of the persons who will provide testimony during the administrative hearing.

2) Whether children under 14 years of age may testify or be involved in the hearing.

A) Either party requesting that a child under 14 years of age be subpoenaed to testify or be involved in the hearing process must demonstrate at the pre-hearing conference that:

i) the child's testimony or involvement is essential to a determination of an issue on appeal; and

ii) there is no likelihood of inflicting emotional harm to the particular child involved; and

iii) no alternatives, such as stipulations or transcripts from prior court hearings, exist which may be used as a substitute for the child's testimony.

B) If an Administrative Law Judge allows a child to testify, the Administrative Law Judge may set any conditions or restrictions, and may use anytechniques allowed in any juvenile, civil or criminal court (including but not limited to in camera interviews, questions submitted in writing, exclusion of parties to the proceedings, including but not limited to the parents, or change of hearing room or location) that will help minimize any emotional impact on the child.

3) Whether witnesses should be scheduled to testify at specific times.

4) Whether the parties have or will have exchanged records or documents prior to the administrative hearing.

5) Whether the parties can agree upon any facts as true.

6) Motions filed by any party.

A) Any motions from the appellant or the Department shall be filed with the Administrative Law Judge at least 10 calendar

days before the pre-hearing.

B) Copies of the motion shall be served upon the Administrative Law Judge, the Administrative Hearings Unit, and the opposing party at least 10 days before the date set for pre-hearing.

C) Any motion that is consistent with administrative practice and procedure and does not infringe upon the Director's authority may be heard.

7) The need for an interpreter for a party whose primary language is not English or who requires communication assistance.

c) The pre-hearing conference shall be convened by telephone unless the Administrative Law Judge and the parties agree that the pre-hearing conference shall be held in person. The Administrative Law Judge shall place all telephone calls. The cost of telephone calls shall be borne by the Department. The Administrative Hearings Unit shall arrange for the appellant to use a telephone at a Department Field Office if the appellant has previously notified the Department that he/she does not have access to a telephone.

d) The Administrative Law Judge may order the parties to attend the pre-hearing conference in person without the consent of all parties. If the Administrative Law Judge orders personal attendance, the Administrative Law Judge shall:

1) give written notice to the parties of the date, time and place of the pre-hearing conference; and

2) hold the pre-hearing conference at a place and time convenient for the parties.

a) ~~The Administrator of the Administrative Hearing Unit may grant a request for a hearing only when:~~

~~1) the original written request for appeal was received by the Department within 60 calendar days of the postmark of the notice to the appellant that the report was indicated;~~

~~2) the written request for an administrative hearing was received by the Department within 15 calendar days of the postmark of the notice of the child protection review decision; and~~

~~3) the issue is within the jurisdiction of the Administrative Hearing Unit as set forth in Sections 336.30 and 336.40 of this Part.~~

b) ~~The Administrator of the Administrative Hearing Unit may dismiss a request for an administrative hearing for the following reasons only:~~

~~1) the child protection internal review has not been exhausted;~~

~~2) the appeal has been withdrawn in writing;~~

~~3) the appeal has been abandoned. Abandonment shall be deemed to have occurred if the appellant, the appellant's authorized representative, or an individual legally authorized to act on behalf of the appellant fails to appear at the hearing, and the appellant does not have an adequate cause for failing to appear. Adequate cause for failing to appear at an administrative hearing may include, but is not limited to:~~

~~A) death in the family of the appellant or in the family of the appellant's representative;~~

~~B) serious illness of the appellant or the appellant's representative or serious illness in either person's immediate family;~~

~~C) transportation difficulties that make it impossible for the appellant or representative to appear at the hearing;~~

~~D) failure of the Department to give notice of the hearing to the appellant or representative at the last known address available to the Department. However, it is the appellant's responsibility to keep the Department updated on any change of address;~~

~~4) the issue is not within the jurisdiction of the Administrative Hearing Unit as set forth in Sections 336.30 and 336.50 of this Part;~~

~~5) the request for the appeal was not received within 60 calendar days of the postmarked date of the notice that the report was indicated;~~

~~6) the request for an administrative hearing was not received within 15 calendar days of the postmarked date of the notice of the child protection administrator's decision; or~~

~~7) the appellant failed to notify the Administrator of the Administrative Hearing Unit of a change of address, and a notice of the administrative hearing cannot be delivered.~~

~~c) The Department shall provide written notice of the decision to grant or deny the request for an administrative hearing within 20 calendar days of receipt of the request for an administrative hearing. If the Administrator of the Administrative Hearing Unit finds that the issue is not appealable under this Part but can be appropriately heard through another appeal process, in accordance with 89 Ill. Adm. Code 435, Administrative Appeals and Hearings, the Department shall forward the appeal to the proper hearing authority and notify the appellant of this action.~~

~~d) The Administrator of the Administrative Hearing Unit shall:~~

~~1) schedule the hearing at a date within 30 calendar days of the date the appellant's written notice stating that the child protection internal review did not resolve the issue to the appellant's satisfaction;~~

~~2) ensure that the administrative hearing is scheduled at a time and place reasonably convenient for all parties. If the parties cannot agree to a reasonably convenient time and place, the administrator shall make this determination and proceed to schedule the hearing;~~

~~3) provide a written notice to the appellant at least 15 calendar days before the scheduled hearing, which shall contain the following information:~~

~~A) the date, time and location of the hearing;~~

~~B) a statement that the appellant or appellant's

~~representative's failure to appear at the hearing without adequate cause may be deemed an abandonment of the request, thus constituting a waiver by the appellant of the right to a hearing; and~~

~~c) a statement of the parties' rights during the appeal process.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 336.120 The Administrative Law Judge ~~Rights and Responsibilities in Administrative Hearings~~

a) Appointment of the Administrative Law Judge
The Chief Administrative Law Judge shall select a trained, impartial Administrative Law Judge from the available pool to conduct the appeal hearing. The Administrative Law Judge shall:
1) be an attorney licensed to practice law in the State of Illinois;
2) possess knowledge and information acquired through training and/or experience relevant to the field of child and family welfare law, including familiarity with Department rules, procedures and functions;
3) not have been involved in the decision to take the action being appealed or have rendered legal advice to the decision-maker on the issue; and
4) not have a personal or professional interest that interferes with exercising objectivity or have any bias against the parties or issues appealed. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.

b) Functions of the Administrative Law Judge
The Administrative Law Judge shall have all authority allowed under the Illinois Administrative Procedure Act [5 ILCS 100]. This authority shall include, but is not limited to, the following:
1) conduct a fair, impartial and formal hearing in which the strict rules of evidence do not apply;
2) provide for the recording of the hearing;
3) inform participants of their individual rights and their responsibilities;
4) conduct pre-hearing telephone conferences between the parties or their authorized representatives to provide information about the procedural aspects of the hearing, narrow the issues and discuss possible stipulations and contested points of law, in order to expedite the actual hearing;
5) have the authority to recommend changes in the child abuse and neglect report in the State Central Register;
6) take necessary steps to develop a full and fair record that contains all relevant facts;
7) administer an oath or an affirmation to all witnesses;

8) quash or modify subpoenas for good cause, including but not limited to relevance, scope, materiality and emotional harm or trauma to the subpoenaed witness;
9) allow into evidence all evidence helpful in determining whether an alleged perpetrator abused or neglected a child, including oral and written reports, which the Administrative Law Judge and the Director may rely upon to the extent of its probative value, even though not competent under the civil rules of evidence;
10) allow into evidence previous statements made by the child relating to abuse or neglect as hearsay exceptions;
11) preserve all documents and evidence for the record;
12) rule upon evidentiary issues and contested issues of law at the hearing or take matters under advisement pending issuance of the written opinion and recommendation;
13) order the removal of any person from the hearing room who is creating a disturbance, whether by physical actions, profanity or conduct, which disrupts the hearing;
14) identify the issues, consider all relevant facts and receive or request any additional information necessary to decide the matter in dispute, including but not limited to the submission of briefs, memoranda of law, affidavits or post-hearing briefs; and
15) present a written opinion and recommendation to the Director within 15 calendar days after the record of the administrative hearing is completed or transcript is received, whichever is later. This report shall include a recommended decision on whether there is a preponderance of evidence of abuse or neglect based on information in the administrative record. The opinion shall contain findings of fact, conclusions of law and a recommendation.

~~a) An appellant may bring a representative, including legal counsel, to the hearing. Expenses of a representative or of an appellant's witnesses shall be paid by the appellant.~~

~~b) An appellant may request the Department employee who had direct involvement in the case or other persons who may have information relevant to the issues in dispute to attend the hearing by asking the administrator of the appeal hearing system to issue appropriate subpoenas. Witness fees and travel expenses for persons other than Department employees are the responsibility of the party requesting the subpoena.~~

~~c) Children under 14 years of age shall not be subpoenaed by either party to testify or be involved in the hearing process, unless the administrative law judge determines that the child's testimony or involvement is essential to a determination of the appeal. In making this determination the administrative law judge shall require a showing that there is no likelihood of inflicting emotional harm to the particular child (children) involved.~~

~~d) Any motions from the appellant or the Department shall be filed with the administrative law judge, at least 10 calendar days before the~~

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~~hearing.---Copies shall be sent to the Department's representative and the appellant.~~

~~e) At the appellant's request, the Department shall provide an interpreter at no cost to the appellant if English is not the appellant's primary language or a sign interpreter if the appellant is hearing-impaired.~~

~~f) Both the appellant and the Department have the right to examine and copy documents and other information to be used by either party and to receive a list of witnesses to be called by either party at the hearing by requesting them at least 10 calendar days before the hearing.---The administrative law judge may prohibit the introduction of the requested evidence if not provided within the time frame.~~

~~g) During the administrative hearing, the appellant and the Department have the right to:~~

~~1) present and question witnesses;~~

~~2) present any information relevant to the issues;~~

~~3) question or disprove any information, including an opportunity to question opposing witnesses, except as provided for in Section 336.130(b)(7) of this Part; and~~

~~4) dispose of any disputed issue by mutually agreeing to a resolution any time prior to the conclusion of the administrative hearing.~~

~~h) In an administrative hearing concerning child abuse or neglect reports:~~

~~1) the Department carries the burden of proof of justifying the refusal to amend, expunge or remove the record;~~

~~2) the Department must prove that a preponderance of the evidence supports the indicated finding, according to Department Rules, 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect; and~~

~~3) the administrative law judge has the authority to recommend changes in the child abuse and neglect record.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 336.130 Consolidation and Severing Issues and Parties ~~The Administrative Law Judge~~

a) When common issues of fact or law are raised in more than one appeal, the Chief Administrative Law Judge may consolidate the appeals into a single group hearing. Individuals shall be permitted to present their own cases separately. Nothing in this Section shall override confidentiality considerations.

b) The Chief Administrative Law Judge may also combine all appeals and issues involving a single appellant, whether arising under this Part or any other Part, into one hearing.

c) The Chief Administrative Law Judge, if required for the fair and efficient administration of the hearing or to prevent possible

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prejudice to the appellant, may sever any party or any issue from the consolidated hearing. The party or issue severed from the consolidated hearing shall be heard separately.

d) The Chief Administrative Law Judge shall decide the order in which to hear any appeal or issue which has been severed.

e) The Chief Administrative Law Judge may delegate any decision under this section to any Administrative Law Judge who has been assigned to hear one or more of the appeals.

~~a) Appointment of the Administrative Law Judge~~

~~The Administrator of the Administrative Hearing Unit shall select and the Director shall appoint a trained, impartial administrative law judge from the available pool to conduct the appeal hearing. The administrative law judge shall:~~

~~1) be an attorney licensed to practice law in the State of Illinois;~~

~~2) possess knowledge and information acquired through training and/or experience relevant to the field of child and family welfare law, including familiarity with Department rules, procedures and functions;~~

~~3) not have been involved in the decision to take the action being appealed or have rendered legal advice to the decision maker on the issue; and~~

~~4) not have a personal or professional interest which interferes with exercising objectivity or have any bias against the parties or issues appealed. An adverse ruling in and of itself shall not constitute bias or conflict of interest.~~

~~b) Functions of the Administrative Law Judge~~

~~The administrative law judge shall have all authority allowed under the Illinois Administrative Procedure Act (5 ILCS 100). This authority shall include, but is not limited to, the following:~~

~~1) conduct a fair, impartial and formal hearing in which the strict rules of evidence do not apply;~~

~~2) provide for the recording of the hearing;~~

~~3) inform participants of their individual rights and their responsibilities;~~

~~4) conduct preliminary and prehearing telephone conferences, if necessary, between the parties and/or their attorneys to provide information about the procedural aspects of the hearing, narrow the issues and discuss possible stipulations and contested points of law, in order to expedite the actual hearing;~~

~~5) take necessary steps to develop a full and fair record which contains all relevant facts;~~

~~6) administer an oath or an affirmation to all witnesses;~~

~~7) quash or modify subpoenas for good cause, including but not limited to, relevance, scope, materiality and emotional harm or trauma to the subpoenaed witness;~~

~~8) conduct in camera reviews with alleged child abuse or neglect victims, as is authorized in the Juvenile Court Act of 1987 (705 ILCS 405/2-18), for the purpose of this Part, an in camera~~

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~~review means that the alleged abuse or neglect victim may testify outside the presence of the alleged perpetrator, with only the administrative law judge, Department and appellant's representative or attorney and court reporter, if applicable, present. If the appellant is unrepresented, the administrative law judge may continue the hearing to give the appellant the opportunity to obtain representation for the in camera hearing;~~

~~9) allow into evidence previous statements made by the child relating to abuse or neglect as hearsay exceptions;~~

~~10) preserve all documents and evidence for the record;~~

~~11) rule upon evidentiary issues and contested issues of law at the hearing or take matters under advisement pending issuance of the written opinion and recommendation;~~

~~12) order the removal of any person from the hearing room who is creating a disturbance whether by physical actions, profanity or otherwise engaging in conduct which disrupts the hearing;~~

~~13) identify the issues, consider all relevant facts and receive or request any additional information necessary to decide the matter in dispute, including but not limited to, the submission of briefs, memoranda of law, affidavits or post hearing briefs; and~~

~~14) present a written opinion and recommendation to the Director within 30 calendar days after the record of the administrative hearing is completed or transcript is received. This report shall include a recommended decision on whether there is a preponderance of evidence of abuse or neglect based on information considered at the hearing contained in the administrative record. The opinion shall contain a summary of the evidence, findings of fact, conclusions of law and a recommendation.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 336.140 Exchange of Information ~~Combined or Separate Hearings~~

a) All requests for information must be in writing and sent to the party from whom the information is sought at least 10 days in advance of the pre-hearing conference. The requestor must send a copy of the request to the Administrative Hearings Unit. A party, without leave of the Administrative Law Judge, may request from any other party:
 1) a list of witnesses to be called at the hearing; and
 2) copies of all documents that a party intends to present to the Administrative Law Judge at the hearing. The Department does not need to send a copy of the investigative file to the appellant when the Department has previously sent a copy of the investigative file to the appellant pursuant to Section 336.80(c).

b) A party may not request this information until the first hearing date has been set. All requests for information shall be served on all other parties or their authorized representative. Copies of all requests for information shall be filed with the Administrative Hearings Unit. All requests for information shall be answered within 10 calendar days after receipt unless, upon good cause shown, leave is sought for additional time to answer.

c) A party may exercise any rights to access any Department record under 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department).

d) No discovery, described in Supreme Court Rule 201 et seq., shall be permitted prior to a hearing except by permission of the Administrative Law Judge.

e) Hearings shall not be delayed to permit the exchange of information unless timeliness and due diligence is shown by the party seeking the information.

f) If a party fails to answer a request for information, the Administrative Law Judge may enter any just and appropriate order to advance the disposition of the matter, including but not limited to:
 1) stay any further proceeding until the request for information is answered;
 2) bar the testimony of any witness not disclosed in the answer to the request for information; or
 3) prohibit the introduction of, or any testimony concerning, any document or evidence not disclosed in an answer to the request for information.

~~a) When a common issue is raised, the Department may respond to requests for hearings from more than one appellant by conducting a single group hearing. The Department may also combine all issues raised by a single petitioner in one hearing. In all group hearings, the appeal system in this Part shall apply. Individuals shall be permitted to present their own cases separately.~~

~~b) The Department, if required for the fair, efficient administration of the hearing or to prevent possible prejudice to the appellant, may sever any party or any issue from the combined hearing. The severed party or issue shall be heard separately.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 336.150 Continuances ~~Final Administrative Decision~~

a) No continuance of a scheduled hearing or pre-hearing conference shall be granted by the Administrative Law Judge to any party except for good cause shown. Good cause includes, but is not limited to:
 1) sickness or death in the immediate family of the appellant, the Department representative or the authorized representative of the apellant;
 2) court dates scheduled prior to the issuance of the notice of

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hearing; and

3) the unavailability of a witness.

b) No request for a continuance shall be granted without notice to all parties and an opportunity to object on the record. All motions for continuance shall be disposed of by written order.

c) If a continuance is requested or agreed to by an appellant, the time period between the request for continuance and the continued hearing date shall not be considered a delay on the part of the Department in issuing and implementing its final administrative decision.

d) If a continuance is requested due to the lack of a certified court reporter or interpreter, the party seeking a continuance must demonstrate due diligence in seeking that service for the hearing date.

e) Notices of a continued hearing date need not include any restatement of the rights of the parties.

~~a) Making the Final Administrative Decision~~

~~The Director of the Department shall receive the recommended decision from the administrative law judge and shall agree, disagree, or modify the recommended decision based upon a preponderance of evidence standard. The Director's decision is the final administrative decision of the Department. If the decision requires corrective action by the Department, the Director shall appoint a Department staff person who shall be responsible for assuring compliance with the decision.~~

~~b) Notice of the Availability of Judicial Review~~

~~The Department shall include a notice to appellants as part of the final administrative decision. This notice shall include the name of the person responsible for compliance, if applicable, and shall advise the appellants that, under the provisions of the Administrative Review Law (735 ILCS 5/Art. III), they may seek judicial review of the Department's decisions if it is unfavorable to them, within the statutory time frame.~~

~~c) Who Receives Copies of the Final Administrative Decision~~

~~The appellant or authorized representative, the Department child protection investigation unit, the Department's representative, the administrative law judge (except for notices of internal review decisions), the Administrator of the Administrative Hearing Unit, and the State Central Register shall receive a copy of the final administrative decision.~~

~~d) Notifying Others of the Decision~~

~~1) The following persons shall receive a notice of the final administrative decision:~~

~~A) the Illinois Department of Professional Regulation, district, regional and private school superintendents and the State Board of Education when they have been notified that an appeal has been filed in accordance with 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect, Section 300.140,~~

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~~B) administrators of child care facilities and Department licensing staff when the appellant is an employee of a child care facility; and~~

~~C) supervisors or administrators notified in accordance with 89 Ill. Adm. Code 300.100(i);~~

~~2) The following persons shall receive a notice of the final administrative decision, if the decision amends, expunges or removes any record made under Section 7.17 of the Abused and Neglected Child Reporting Act (325 ILCS 5/7.17):~~

~~A) parents or personal guardians of the child victim(s) if they are not the same as the appellant;~~

~~B) the mandated reporter who originally made the report of child abuse or neglect; and~~

~~C) the juvenile court judge and guardian ad litem (when a State ward is involved).~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 336.160 Attendance of Witnesses ~~Records of Administrative Hearings~~

a) An appellant may require any child protective investigator who was part of the investigation being appealed to attend the hearing by writing to the Department representative no earlier than receipt of the notice of hearing and no later than 14 days before the hearing and requesting that the investigator, who must be identified by name, attend the hearing.

b) The appellant may subpoena any other witness, no earlier than receipt of the notice of hearing and no later than 14 days before the hearing, by requesting that the Chief Administrative Law Judge issue a subpoena to compel the attendance of the witness. Witness fees and travel expenses for persons other than Department employees are the responsibility of the party requesting the subpoena.

~~The permanent record of the administrative hearing and the final administrative decision shall be maintained by the Administrator of the Administrative Hearing Unit. All hearing decisions shall be available for public inspection during regular business hours. However, confidential information shall be deleted in conformance with 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department, and state and federal laws and rules and regulations on confidentiality.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 336.170 Testimony by Telephone ~~Severability of This Part~~

For good cause shown, the Administrative Law Judge may, on the judge's own motion or the motion of any party, allow a witness to testify at the

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administrative hearing by telephone.
~~If any court of competent jurisdiction finds that any Section, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 336.180 Interpreters

A party whose primary language is not English, or who requires communication assistance, may request an interpreter. The Department shall provide an interpreter at no cost to the party. Unless the interpreter has been requested at least 14 calendar days before the hearing, the time between the request for the interpreter and any continued hearing date occasioned by that request shall not be construed as delay on the part of the Department in issuing and implementing its decision.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 336.190 Grounds for Dismissal

a) The Chief Administrative Law Judge or the Administrative Law Judge shall dismiss the appeal on his or her own motion or on the motion of any party when:
 1) the Department has already made a final administrative decision on the issue as a result of a previous appeal;
 2) the issue is not regarding a child abuse or neglect report as defined in 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect);
 3) a court has made a judicial decision on the issue being appealed or a judicial finding of child abuse or neglect has been made on the issue and the appellant is requesting that the record of the report of child abuse or neglect be expunged, amended or removed;
 4) the request for the appeal was not received within 60 calendar days after the postmarked date of the notice that the report was indicated;
 5) the appeal has been withdrawn in writing;
 6) the appeal has been abandoned pursuant to Section 336.200; or
 7) the issue is not within the jurisdiction of the Administrative Hearings Unit as set forth in Section 336.60 of this Part.
b) If the Chief Administrative Law Judge finds that the issue is not appealable under this Part but can be appropriately heard through another appeal process, in accordance with 89 Ill. Adm. Code 435 (Administrative Appeals and Hearings), the Department shall forward the appeal to the proper hearing authority and notify the appellant of this action.

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(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 336.200 Abandonment of Appeal/Default

a) The Administrative Hearings Unit will declare that the appellant has abandoned the appeal when:
 1) the appellant or the appellant's authorized representative, without good cause, fails to appear at a hearing or pre-hearing conference without having received a continuance; or
 2) the appellant failed to notify the Chief Administrative Law Judge of a change of address and a notice of the administrative hearing, sent to the appellant's last known address, was returned as "undeliverable," "unclaimed," "refused," "moved," or "no forwarding address."
b) Good cause for failure to appear includes, but is not limited to:
 1) death or serious illness in the immediate family of the appellant or the appellant's representative;
 2) failure of the Administrative Hearings Unit to give notice of the proceeding to the appellant or the appellant's representative at the last known address available to the Administrative Hearings Unit.
c) When the Department fails to appear at a pre-hearing conference or hearing, without good cause, and without having moved for a continuance, the Administrative Law Judge may issue orders as are appropriate, including, but not limited to, a finding of default for failure to appear.
d) Any party seeking to vacate an order of abandonment shall file a motion within 14 days after notice of the entry of an order of abandonment or default, showing good cause why the party failed to appear or participate.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 336.210 Record of an Administrative Hearing

The record of the administrative hearing and the final administrative decision shall be maintained by the Chief Administrative Law Judge. All final administrative decisions shall be available to any party for public inspection during regular business hours. However, confidential information shall be deleted in accordance with 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 336.220 Final Administrative Decision

a) Making the Final Administrative Decision
The Director of the Department shall receive the Administrative Law Judge's recommended decision 90 days after receipt of a timely and sufficient request for an appeal, unless extended by action of the appellant. The Director shall agree, disagree, or modify the recommended decision based upon a preponderance of the evidence standard. The Director's decision is the final administrative decision of the Department. If the decision requires corrective action by the Department, the Director shall appoint a Department staff person who shall be responsible for insuring compliance with the decision.

b) Notice of the Availability of Judicial Review
The Department shall include a notice to appellants as part of the final administrative decision. This notice shall include the name of the person responsible for compliance, if applicable, and shall advise the appellants that, under the provisions of the Administrative Review Law [735 ILCS 5/Art. III], they may seek judicial review of the Department's decision if it is unfavorable to them, within the statutory time frame.

c) Who Receives Copies of the Final Administrative Decision
The appellant or authorized representative, the Department child protective investigation unit, the Department's representative, the Department's Office of Legal Services, the Administrative Law Judge, the Chief Administrative Law Judge, and the State Central Register shall receive a copy of the final administrative decision.

d) Notifying Others of the Decision
 1) The following persons shall receive a notice of the final administrative decision from the State Central Register:
 A) the Illinois Department of Professional Regulation, district, regional and private school superintendents and the State Board of Education when they have been notified that an appeal has been filed in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect), Section 300.140;
 B) administrators of child care facilities and Department licensing staff when the appellant is an employee of a child care facility; and
 C) supervisors or administrators notified in accordance with 89 Ill. Adm. Code 300.100(i).
 2) The following persons shall receive a notice of the final administrative decision, if the decision amends, expunges or removes any record made under Section 7.17 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.17]:
 A) parents or personal guardians of the child victims if they are not the same as the appellant;
 B) the mandated reporter who originally made the report of child abuse or neglect;

 C) the juvenile court judge and guardian ad litem (when a State ward is involved).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 336.230 Severability of This Part

If any court of competent jurisdiction finds that any Section, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

(Source: Added at 24 Ill. Reg. _____, effective _____)

BOARD OF HIGHER EDUCATION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Graduation Incentive Grants

2) Code Citation: 23 Ill. Adm. Code 1002

3)

Section Numbers:	Proposed Action:
1002.10	New Section
1002.20	New Section
1002.30	New Section
1002.40	New Section
1002.50	New Section

4) Statutory Authority: Implementing and authorized by Section 9.27 of the Board of Higher Education Act [110 ILCS 205/9.27].

5) A Complete Description of the Subjects and Issues Involved: This Part provides for the administration of grants to public universities that offer their undergraduate students contracts under which the university commits itself to provide the courses, academic programs, and support services necessary to enable the contracting students to graduate with a baccalaureate degree within a designated time period.

6) Will these proposed amendments replace emergency Rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed Amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be directed to the following person within 45 days of the date of this publication:

Carolyn Lorton, Associate Director
Illinois Board of Higher Education
431 East Adams, Second Floor
Springfield, Illinois 62701
217/557-7343
lorton@ibhe.state.il.us

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Public universities eligible for the grants.

BOARD OF HIGHER EDUCATION

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B) Reporting, bookkeeping or other procedures required for compliance: Minimum bookkeeping and reporting requirements.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized. This rulemaking was not included on either of the two most recent agendas because: appropriations had not been identified at that time.

The full text of the Proposed Rules is identical to the Emergency Rules published in this issue of the *Illinois Register* on page _____.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Advisory Councils

2) Code Citation: 89 Ill. Adm. Code 515

3)

Section Numbers:	Proposed Action:
515.100	Amendment
515.110	Amendment
515.120	Amendment
515.130	Amendment
515.140	Amendment
515.150	Amendment
515.410	Amendment
515.430	Amendment

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; and Sections 6.23 and 8 of the Civil Administrative Code of Illinois [20 ILCS 2410]; and Section 6 of the Head and Spinal Cord Injury Act [410 ILCS 515/6].

5) A Complete Description of the Subjects and Issues involved: This rulemaking amends this Part in response to the changes in the federal Rehabilitation Act and the Illinois legislation. These Acts require changes to the makeup of the State Rehabilitation Council and the Statewide Independent Living Council.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762

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217/785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated when the latest Regulatory Agenda was developed.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 515
ADVISORY COUNCILS
SUBPART A: STATE REHABILITATION ~~ADVISORY~~ COUNCIL

Section
515.100 State Rehabilitation ~~Advisory~~ Council
515.110 Powers and Duties
515.120 Composition
515.130 Meetings
515.140 Terms of Membership
515.150 General Provisions

SUBPART B: CONSUMER ADVISORY COUNCILS

Section
515.200 Consumer Advisory Councils

SUBPART C: FACILITY ADVISORY COUNCILS

Section
515.300 Facility Advisory Councils

SUBPART D: STATEWIDE INDEPENDENT LIVING COUNCIL

Section
515.400 Statewide Independent Living Council
515.410 Composition
515.420 Meetings
515.430 Membership Terms
515.440 Powers and Duties
515.450 General Provisions

SUBPART E: BLIND SERVICES PLANNING COUNCIL

Section
515.500 Blind Services Planning Council

SUBPART F: ADVISORY COUNCIL ON SPINAL CORD AND HEAD INJURIES

Section
515.600 Advisory Council on Spinal Cord and Head Injuries
515.610 Powers and Duties
515.620 Composition
515.630 Meetings

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515.640 Membership Terms
515.650 General Provisions

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; and Sections 6.23 and 8 of the Civil Administrative Code of Illinois [20 ILCS 5/6.23 and 8]; and the Bureau for the Blind Act [20 ILCS 2410]; and Section 6 of the Head and Spinal Cord Injury Act [410 ILCS 515/6].

SOURCE: Adopted and codified at 7 Ill. Reg. 8127, effective June 24, 1985; amended at 8 Ill. Reg. 1975, effective February 1, 1984; amended at 12 Ill. Reg. 17942, effective October 24, 1988; amended at 15 Ill. Reg. 7211, effective April 26, 1991; emergency amendment at 17 Ill. Reg. 11589, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20278, effective November 15, 1993; amended at 18 Ill. Reg. 11623, effective July 7, 1994; amended at 20 Ill. Reg. 10162, effective July 16, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 3957, effective March 19, 1999; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: STATE REHABILITATION ~~ADVISORY~~ COUNCIL

Section 515.100 State Rehabilitation ~~Advisory~~ Council

The State Rehabilitation ~~Advisory~~ Council (SRC) ~~(SRAC)~~ is *established for the purpose of advising the Secretary* of the *Department of Human Services (DHS) and the vocational rehabilitation administrator ~~Vocational Rehabilitation Administrator~~* (i.e., the Office of Rehabilitation Services (DHS-ORS) Associate Director) *of the provisions of the federal Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990 in matters concerning individuals with disabilities and the provision of rehabilitation services* [20 ILCS 5/6.23].

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 515.110 Powers and Duties

Powers and duties of the SRC ~~SRAC~~ in respect to the operation of DHS-ORS include:

a) To consider and study the subject of rehabilitation as it relates to the programs and purpose of DHS;
b) To recommend to the Associate Director of DHS-ORS, on its own initiative, policies and practices which shall be duly considered;
c) To give advice or make recommendations to the Governor and the General Assembly when so requested or on its own initiative;
d) To investigate the conduct of the work of DHS-ORS, and for this purpose to have access, at any time, to all books, papers, documents, and records pertaining or belonging to DHS-ORS, and to require written or oral information from any officer or employee of DHS-ORS;

e) To adopt bylaws, not inconsistent with statute, for the internal management of the SRC ~~SRAC~~, a copy of which is to be filed with the Associate Director of DHS-ORS;
f) To act by a subcommittee, or by a majority of SRC ~~SRAC~~, if the bylaws so prescribe;
g) To keep minutes of each meeting which shall be filed with the Associate Director of DHS-ORS and available for public review;
h) To give notice of the time and date of each meeting to the Governor, the Secretary and the vocational rehabilitation administrator ~~Vocational--Rehabilitation--Administrator~~ to permit them to attend meetings and to be heard upon any matter coming before the SRC ~~SRAC~~;
i) To *prepare and submit to the* vocational rehabilitation administrator ~~Vocational--Rehabilitation--Administrator~~ of *such reports and findings as he/she may request or as the Council deems fit* and proper and submit such reports and findings to the Governor and the Commissioner for the Rehabilitation Services Administration of the U.S. Department of Education;
j) To *select jointly with the vocational rehabilitation administrator* ~~*Vocational-Rehabilitation-Administrator*~~ *a pool of qualified persons to serve as impartial hearing officers* [20 ILCS 5/6.23];
k) To the extent feasible, to conduct a review and analysis of the effectiveness of, and consumer satisfaction with:
 1) the functions performed by DHS-ORS and other public and private service providers; and
 2) VR services provided, or paid for, through DHS-ORS or any other source;
l) To coordinate the activity of the SRC ~~SRAC~~ with the Independent Living Council (see 89 Ill. Adm. Code 515: Subpart D) and other advisory councils of DHS-ORS and the State Advisory Council on Education of the Handicapped, the Illinois Planning Council on Developmental Disabilities, the Planning Council on Mental Health, and other appropriate entities;
m) To provide for coordination and establishment of working relationships between DHS-ORS and the Statewide Independent Living Council and centers for independent living throughout Illinois;
n) To review the State Plans to be submitted to the Commissioner of the Rehabilitation Services Administration of the U.S. Department of Education;
o) To develop, in tandem with DHS-ORS, written policies and procedures to enable each customer to make informed choices regarding his/her rehabilitation program; ~~and~~
p) To review and comment on plans, policies, and procedures relating to recruitment, preparation, and retention of qualified staff, personnel standards, and staff development. This is not to be construed to mean that SRC ~~SRAC~~ shall have input into individual personnel transactions regarding DHS-ORS staff (e.g., hirings, promotions, disciplinary action taken against an employee)*; and*~~.~~
q) *With the vocational rehabilitation unit of the Department, to jointly develop, agree to, and review annually State goals and priorities and jointly submit annual reports of progress to the federal Commissioner of Rehabilitation Services Administration.* [20 ILCS 5/6.23]

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 515.120 Composition

a) *The SRC ~~SRAC~~ shall consist of 25 ~~23~~ members appointed by the Governor after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.*
 1) *The Governor shall appoint to this Council, or the Council, if the Governor delegates that power to the Council by executive order, shall appoint the following:*
 A) *One representative of a parent training center established in accordance with the Federal Individuals With Disabilities Education Act.*
 B) *One representative of the client assistance program (CAP) or other individual recommended by CAP.*
 C) *One vocational rehabilitation counselor who has knowledge of and experience with vocational rehabilitation programs (if an employee of the Department is appointed, that appointee shall serve as an ex officio, non-voting member).*
 D) *One representative of community rehabilitation program service providers.*
 E) *Four representatives of business, industry, and labor.*
 F) *Eight representatives of disability advocacy groups representing a cross section of the following:*
 i) *individuals with physical, cognitive, sensory, and mental disabilities; and*
 ii) *parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities who have difficulty in representing themselves or who are unable, due to their disabilities, to represent themselves.*
 G) *One current or former applicant for, or recipient of, vocational rehabilitation services.*
 H) *Three representatives from secondary or higher education.*
 I) *One representative of the State Workforce Investment Board.*
 J) *One representative of the Illinois Board of Education who is knowledgeable about the Individuals with Disabilities Education Act.*
 2) In addition, *the chairperson of, or a member designated by, the Statewide Independent Living Council created under Section 12a of the Disabled Persons Rehabilitation Act, the chairperson of the Blind Services Planning Council created under the Bureau for the*

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Blind Act, and the Vocational Rehabilitation Administrator shall serve as ex officio members. The vocational rehabilitation administrator shall have no vote.

b) *The Council shall select,* from its voting membership, *a chairperson.*

c) *The chairperson and at least 12 ~~11~~ other members of the Council shall have a recognized disability.*

d) *One member shall be a senior citizen age 60 or over.*

e) *A majority of the Council members shall not be employees of DHS* [20 ILCS 5/6.23].

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 515.130 Meetings

a) *The SRC ~~SRAC~~ shall meet at least 4 times per year at times and places designated by the chairperson upon 10 days written notice to the members.* A schedule of these meetings shall be developed so that public notice of the dates, times, and locations of the regularly scheduled meetings will be posted at the beginning of the calendar year at appropriate DHS administrative offices. Copies of the public notice will also be provided to news media upon written or oral request.

b) *Special meetings may be called by the chairperson or 7 members of the Council upon 7 days written notice to the other members.* Public notice of the date, time, location and agenda of any special meeting will be posted at appropriate DHS administrative offices at least 24 hours in advance of the meeting and in accordance with Sections 2.02 and 2.03 of the Open Meetings Act [5 ILCS 120/2.02 and 2.03].

c) *Nine members shall constitute a quorum.* [20 ILCS 5/6.23]

d) Meetings shall be open to the public, except that meetings or portions of meetings may, upon a majority vote of a quorum present, be declared closed, in accordance with Sections 2 and 2a of the Open Meetings Act [5 ILCS 120/2 and 2a].

e) The proceedings of meetings may be recorded in accordance with Section 2.05 of the Open Meetings Act [5 ILCS 120/2.05], which allows any person to record a meeting required to be open unless a witness testifying before the Council refuses to testify on the basis that his or her testimony will be broadcast or televised or that motion pictures will be taken during testimony. If such refusal occurs, recording shall be prohibited.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 515.140 Terms of Membership ~~Membership Terms~~

a) *All* members shall be appointed for staggered *terms of 3 years.*

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b) *Vacancies shall be filled for the unexpired term. Members shall serve until their successors are appointed and qualified.*

c) *No member, except for the representative of the Client Assistance Program, shall serve for more than 2 full terms.* [20 ILCS 5/6.23]

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 515.150 General Provisions

a) *Members shall be reimbursed for their actual expenses incurred in the performance of their duties* as members of *SRC ~~SRAC~~, including expenses for travel, child care, and personal assistance services, and a member who is not employed or who must forfeit wages from other employment shall be paid reasonable compensation for each day the member is engaged in performing the duties of the Council.* For the purpose of payment, "reasonable compensation" shall be $100 per day, but in no case shall the amount exceed income lost by the SRC ~~SRAC~~ member who must forfeit wages as a result of his/her participation.

b) *No member of SRC ~~SRAC~~ shall cast a vote on any matter that would provide direct financial benefit to the member* or his/her immediate family (spouse, child, parent or other relative living in his/her household), or *otherwise give the appearance of a conflict of interest under Illinois law.*

c) *To the extent there is a disagreement between SRC ~~SRAC~~ and the unit within the Department of Human Services responsible for the administration of the vocational rehabilitation program regarding the resources necessary to carry out the functions of SRC ~~SRAC~~ as set forth in* Sections 6.23 and 8 of the Civil Administrative Code of Illinois [20 ILCS 5/6.23 and 8], *the disagreement shall be resolved by the Governor* [20 ILCS 5/6.23].

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART D: STATEWIDE INDEPENDENT LIVING COUNCIL

Section 515.410 Composition

a) *The composition of the Council shall include the following:*

1) *At least one director of a center for independent living chosen by the directors of centers for independent living within the State;~~:~~*

2) *A representative from the Department of Human Services - Office of Rehabilitation Services and a representative from another unit in the Department of Human Services that provides services for individuals with disabilities; a representative each from the Department on Aging, the State Board of Education, and the*

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Department of Children and Family Services, all as ex-officio, non-voting members who shall not be counted in the 18 members appointed by the Governor; and

3) In addition, the Council may include the following:

A) One or more representatives of centers for independent living;

B) One or more parents or guardians of individuals with disabilities;

C) One or more advocates for individuals with disabilities;

D) One or more representatives of private business;

E) One or more representatives of organizations that provide services for individuals with disabilities; and

F) Other appropriate individuals.

b) *The Council shall elect a chairperson from among its voting membership.* [20 ILCS 2405/12a(d)]

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 515.430 Membership Terms

a) *After soliciting recommendations from organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities the Governor shall appoint members of the council for terms beginning July 1, 1993. The council shall be composed of members: (i) who provide statewide representation; (ii) who represent a broad range of individuals with disabilities from diverse backgrounds; (iii) who are knowledgeable about centers for independent living and independent living services; and (iv) a majority of whom are persons who are individuals with disabilities who are not employed by any State agency or center for independent living.* ~~*The terms of all members of the independent living advisory council who were appointed for terms beginning before July 1, 1993, expire on July 1, 1993.*~~

b) *Each member of the council shall serve for terms of 3 years, except that (i) a member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of that term and (ii) terms of the members initially appointed after the effective date of* PA 88-10 [20 ILCS 2405/12a] *shall be as follows: 6 of the initial members shall be appointed for terms of one year, 6 shall be appointed for terms of 2 years, and 6 shall be appointed for terms of 3 years. No members of the council may serve more than 2 consecutive full terms.*

c) *Appointments to fill vacancies in unexpired terms and new terms shall be made by the Governor or by the Council if the Governor delegates that power to the Council by executive order.* ~~Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment.~~ *The vacancy shall not affect the power of*

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the remaining members to execute the powers and duties of the Council ~~*The vacancy shall not affect the power of the remaining members to execute the powers and duties of the council*~~ [20 ILCS 2405/12a].

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill. Adm. Code 121

3)

Section Numbers:	Proposed Action:
121.60	Amendment
121.61	Amendment
121.64	Amendment

4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

5) A Complete Description of the Subjects and Issues involved: As required by Federal Regulations the Standards are revised annually to reflect the annual adjustment to the federal income poverty guidelines. Food Stamp applicants and recipients will receive an increase in benefits.

6) Will this proposed rule replace an emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: This was not anticipated at the time of the July agenda.

The full text of the Proposed Rules is identical to the Emergency Rules published in this issue of the *Illinois Register* on page _____.

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1) Heading of the Part: Internet Filing of Illinois Individual Income Tax Returns

2) Code Citation: 86 Ill. Adm. Code 106

3)

Section Numbers:	Proposed Action:
106.100	Amendment
106.110	Amendment
106.120	Amendment
106.200	Amendment
106.300	Amendment
106.310	New Section

4) Statutory Authority: The Illinois Income Tax Act [35 ILCS 5]

5) A Complete Description of the Subjects and Issues Involved: Updates the Internet Filing of Illinois Individual Income Tax Returns to expand the number of taxpayers eligible to file by this method. Also allows for the use of credit cards to pay tax due and direct deposit for receipt of tax overpayments.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Melanie Jarvis
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit

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corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 106
INTERNET FILING OF ILLINOIS INDIVIDUAL INCOME TAX RETURNS

SUBPART A: INTERNET RETURNS

Section
106.100 Composition of an Internet Return
106.110 Electronic Signature
106.120 Exclusions from Internet Filing
106.130 Where to Send Internet Returns

SUBPART B: INTERNET FILING PARTICIPANTS

Section
106.200 General Information

SUBPART C: BALANCE DUE RETURNS AND DIRECT DEPOSIT OF REFUNDS

Section
106.300 Balance Due General Information
106.310 Direct Deposit General Information

SUBPART D: TRANSMISSION PROCEDURES

Section
106.400 Confirmation of Internet Returns

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and the Illinois Civil Administrative Code [20 ILCS 2505/39c-1a].

SOURCE: Adopted at 23 Ill. Reg. 3502, effective March 8, 1999; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: INTERNET RETURNS

Section 106.100 Composition of an Internet Return

a) An eligible Internet return consists of data transmitted to the Department electronically via the Internet, including an electronic signature. An eligible return may contain paper documents that are requested to be sent to the Department, or retained by the taxpayer for verification. In total, eligible Internet returns contain the same information as traditionally filed paper documents.
b) Forms and schedules included in an eligible return that can be transmitted via the Internet include, but are not limited to, the following:
1) IL-1040, Illinois Individual Income Tax Return,
2) W-2, Wage and Tax Statement, and
3) W-2G, Statement for Certain Gambling Winnings.
~~c) See Section 106.120 of this Part for the limitations on persons who can file via the Internet.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Section 106.110 Electronic Signature

a) The taxpayer's signature code, consisting of the taxpayer's social security number and Access Code issued by the Department ~~Illinois drivers license or identification number issued by the Secretary of State~~, is to be used in lieu of a written signature when filing eligible returns, forms or other documents with the Department via the Internet.
b) Transmitting a valid signature code as part of an Internet filing has the same legal effect as if the taxpayer had signed the eligible return or other documents transmitted as part of that Internet filing.
c) The taxpayer's signature code will be transmitted to the Department at the beginning of the Internet filing process and will remain valid throughout the process and apply to all subsequent screens transmitted to the Department. This includes, but is not limited to, the screen containing the verification of information contained within the eligible return (penalties of perjury statement) and the screen containing a request for the Department to show the taxpayer his or her return after filing for the purpose of printing a copy.
d) Internet filed eligible returns and other documents will be considered unsigned unless both components of the taxpayer's signature code are transmitted and received by the Department as part of the Internet filing. (See 35 ILCS 5/503.)
e) The signature code is considered to be valid until:
1) The taxpayer notifies the Department that the signature code has been compromised, or
2) The Department determines that the signature code has been compromised.
f) If the taxpayer exits the system after filing but before printing a copy of his or her return, then the taxpayer will be allowed to re-access the system for the purpose of printing the return. Taxpayers must enter their signature code and confirmation number. They will be required to request a copy of their return to be transmitted to them and the signature code they enter upon entering the system will be their signature for the request.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Section 106.120 Exclusions from Internet Filing

The following types of returns or other documents are excluded from Internet filing:

a) Returns or other documents that are not listed in subsection (b) of Section 106.100 of this Part.

b) Returns or other documents listed in subsection (b) of Section 106.100 of this Part that require additional forms, schedules, or other documents, or that require the reporting of information that the Department is unable to currently accept through the Internet program.

~~Taxpayers filing the following types of returns are excluded from Internet filing:~~

~~a) Returns requiring forms or schedules not listed in Section 106.100(b);~~

~~b) Returns that include Internal Revenue Service (IRS) or Illinois forms 4852, or any other substitute wage and tax statement used to verify withholding;~~

~~c) Returns that require attachments to verify IL-1040 subtractions for federally taxed retirement and Social Security;~~

~~d) Returns that require attachments to verify IL-1040 subtractions for U.S. government obligations;~~

~~e) Returns that require attachments to verify IL-1040 subtractions for military pay;~~

~~f) Decedent returns, including joint returns filed by surviving spouses;~~

~~g) Fiscal year returns;~~

~~h) Prior year returns;~~

~~i) Amended or corrected returns;~~

~~j) Returns with dollars and cents entries (only whole dollar amounts will be accepted);~~

~~k) Returns containing more than:~~

~~1) 20 W-2s~~

~~2) 30 W-2Gs~~

~~3) 30 statements;~~

~~l) Returns that contain any of the following entries:~~

~~1) Other subtractions~~

~~2) Estimated tax payments~~

~~3) Credit for taxes paid to other states~~

~~4) Schedule 1299-C credits~~

~~5) IL-2210 penalty;~~

~~m) Returns that contain exemptions for being either 65 years of age or older or legally blind; and~~

~~n) Nonresident and part year resident returns requiring schedule NR.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART B: INTERNET FILING PARTICIPANTS

Section 106.200 General Information

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a) Only taxpayers that ~~who~~ have been authorized as Internet Filers may participate and file their eligible return with the Department via the Internet.

b) An Internet Filer is a taxpayer authorized to file eligible returns via the Internet. A taxpayer is authorized to file such returns once they receive an Access Code from the Department. ~~Internet Filers will receive one Access Code per return to be filed. Therefore,~~ Internet Filers who are married and file joint returns will receive two ~~only one~~ Access Codes ~~Code~~.

c) The Department reserves the right to limit the number of participants and returns filed via the Internet.

d) The option of Internet filing will be available for participants until April 15 of the filing year or any other filing date designated by the Department on its Internet filing website.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART C: BALANCE DUE RETURNS AND DIRECT DEPOSIT OF REFUNDS

Section 106.300 Balance Due General Information

a) The Internet Filer is responsible for submitting payment of any balance due the Department, no later than April 15 of the filing year. (See 35 ILCS 5/601.) Failure to make full payment by this date will result in the imposition of interest and penalties. (See 35 ILCS 735/3-2 and 3-3.)

b) The Internet Filer may choose to pay the balance due by credit card. The Internet Filer may call a designated telephone number provided on the Internet site to make such payment after completion of the Internet filing process. The Internet Filer is responsible for payment of any fee charged in order to make payment in this manner. Pursuant to 35 ILCS 5/605, the Department of Revenue will not pay any discount fee charged by the credit card issuer.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 106.310 Direct Deposit General Information

a) Qualifying taxpayers may authorize their tax overpayments to be directly deposited into their savings or checking accounts with financial institutions, rather than receive paper refund checks. The authorization must be made when filing the Internet IL-1040 return by providing the appropriate information.

b) The Department will ordinarily process an authorization for direct deposit, but reserves the right to initiate a paper refund check. The following conditions may cause the Department to not process a direct

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deposit:

1) Taxpayer owes back taxes, either individual or business (refund offset);

2) Taxpayer has certain State or federal delinquent debt, such as child support, student loans, etc. (refund offset);

3) Estimated tax payments reported on the return do not match the estimated tax payments recorded on the Department's master file;

4) Taxpayer is claiming an unallowable or improperly supported deduction or credit; and

5) An electronic return is accepted with a valid Social Security number that belongs to another taxpayer.

c) The Department is not responsible for the misapplication of a direct deposit that is caused by error, negligence, or malfeasance on the part of the taxpayer, financial institution, or any of their agents.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Appeals and Hearings

2) Code Citation: 89 Ill. Adm. Code 510

3)

Section Numbers:	Adopted Action:
510.5	Amended
510.10	Amended
510.20	Amended
510.30	Amended
510.40	Amended
510.50	Amended
510.60	Amended
510.70	Repealed
510.80	Amended
510.90	Amended
510.100	Amended
510.103	New
510.105	Amended
510.110	Amended
510.115	New
510.120	Amended

4) Statutory Authority: Implementing the Disabled Persons Rehabilitation Act [20 ILCS 2405], and authorized by Section 16 of the Civil Administration Code of Illinois [20 ILCS 5/16].

5) Effective Date of Rulemaking: November 15, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 2, 1999, 23 Ill. Reg. 7356

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Difference between proposal and final version: Struck the definition of "days" from Section 510.10 (a).

In Section 510.10 definition of "Services", added "Specialized Services for the Visually Impaired" and removed "Community and Residential Services for the Blind and Visually Impaired."

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In Section 510.50 (b), deleted "an" and reinstated "a".

In Section 510.60 (b), reinstated "," after "services".

In Section 510.90 (c), added "subsection" after "in".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Amendment: This revision of the Office of Rehabilitation Services Appeals and Hearing rules cover the appeals of customer of all ORS programs including Vocational Services, Home Services, the State schools and the programs with the Bureau of Services to the Blind. These amendments are the result of a federal finding and the federal changes in the Vocational Rehabilitation Act. The most significant changes are the elimination of the "Level I" review and the adding of the mediation process for appeals by Vocational Rehabilitation customers.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of the adopted amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 510
APPEALS AND HEARINGS

Section
510.5 Scope and Purpose
510.10 General Information
510.20 What May Be Appealed
510.30 What May Not Be Appealed
510.40 Grievant Rights
510.50 DHS-ORS Rights
510.60 Service Notice
510.70 Level I Hearings (Repealed)
510.80 Request for a Hearing ~~Level II Hearings~~
510.90 Impartial Hearings Officers
510.100 Informal Resolution Conference ~~Conduct of Level I Hearings~~
510.103 Mediation Process for the Vocational Rehabilitation Programs
510.105 Conduct of ~~Level II~~ Hearings
510.110 Associate Director's Review for Residential/Training Programs for Persons with Visual Impairments
510.115 Associate Director's Decision for Hearings Regarding a Blind Vendor
510.120 Exhaustion of Administrative Remedies

AUTHORITY: Implementing the Disabled Persons Rehabilitation Act [20 ILCS 2405], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted and codified at 7 Ill. Reg. 5230, effective April 1, 1983; amended at 7 Ill. Reg. 14526, effective October 19, 1983; amended at 9 Ill. Reg. 12325, effective July 30, 1985; peremptory amendment at 11 Ill. Reg. 6563, effective March 31, 1987; Part repealed, new Part adopted at 13 Ill. Reg. 15769, effective September 26, 1989; amended at 16 Ill. Reg. 8537, effective May 20, 1992; emergency amendment at 17 Ill. Reg. 11608, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20296, effective November 15, 1993; amended at 20 Ill. Reg. 8505, effective June 17, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 13195, effective NOV 15 1999.

Section 510.5 Scope and Purpose

a) This Part governs the appeals process for customers of the Department of Human Services-Office of Rehabilitation Services (DHS-ORS). Specifically this Part covers hearings of grievances under various DHS-ORS programs, including Vocational Rehabilitation Services, Home

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Services, the Vending Facility Program for the Blind, Community and Residential Services for the Blind and Visually Impaired, and issues concerning school records and sex equity related to DHS-ORS State Schools.

~~a) This Part governs the appeals process for customers of the Department of Human Services - Office of Rehabilitation Services (DHS-ORS). This Part covers hearings of grievances under various DHS-ORS programs. Therefore, care must be taken to read this Part in its entirely for exceptions to general provisions for specific types of hearings.~~

~~b) The Level I hearing is the first step in the appeals process and is designed to provide a customer with a prompt informal review of a determination made in furnishing or denying of services to the grievant. The Level I hearing may result in a mutual resolution of the grievances. If no resolution is reached within the applicable time frames, the Level I Hearing Officer issues a brief written decision which is binding on DHS-ORS. If dissatisfied with that decision, the grievant may request a Level II hearing so that his/her grievance may be considered.~~

~~c) The Level II hearing is an appeal of a determination made by a counselor or other DHS-ORS officer or employee concerning the furnishing or denial of services or other appealable issues as listed in Section 510.20. If the grievant is a customer of the Vocational Rehabilitation (VR) Program or a vendor in the Vending Facilities Program for the Blind, the Level II hearing may be the first step in the appeals process (see Section 510.10(b)).~~

~~d) The Level II hearing is a de novo adjudicatory proceeding which is conducted by an Impartial (Level II) Hearing Officer. The Level II Hearing Officer is responsible for considering the testimony and evidence presented by the grievant, or as appropriate a parent, family member, guardian, advocate or duly authorized representative of the customer, and representatives of DHS-ORS, and making a decision based upon the evidence and applicability of federal and State law and regulation. The Level II Hearing Officer's decision is final, but subject to review by the DHS-ORS Associate Director (see Section 510.110) after notice to the grievant, who will be given an opportunity to submit additional evidence and information relevant to the decision.~~

~~e) The Level II decision or Associate Director's Review decision may be reviewed in court.~~

~~b)f)~~ The grievant and DHS-ORS may informally agree to resolve disputed issues at any time during the appeal process prior to the issuance of a ~~Level II~~ hearing decision.

(Source: Amended at 23 Ill. Reg. 13195, effective NOV 15 1999)

Section 510.10 General Information

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a) Definitions
For the purposes of this Part, the following terms shall have the following meanings:

"Associate Director" means the Associate Director of the Office of Rehabilitation Services within the Department of Human Services ~~head of the designated State unit for vocational rehabilitation~~ (DHS-ORS).

"Client Assistance Program" (CAP) means a program funded by the federal Rehabilitation Act to provide assistance in informing and advising all customers and applicants of all available benefits under the federal VR Act and upon request of such a customer to assist in the customer's relationship with projects, programs and services provided by the VR Act. CAP services can include assistance and advocacy in pursuing legal, administrative, or other appropriate remedies to ensure the protection of the customer's rights under the Act.

"Customer" means any individual who has requested, been referred to, applied for, or is receiving services from DHS-ORS (except from the Bureau of Disability Determination Services), or, as appropriate, a parent, family member, guardian, advocate or duly authorized representative of the customer.

~~"Days" unless otherwise specified, means working days, i.e., Mondays through Fridays, excluding state established holidays or days on which government offices are closed by order of the Governor.~~

"DHS-ORS" means the Department of Human Services - Office of Rehabilitation Services and does not include any contractor, grantee, nominee agency, or service provider.

"Grievant" means any customer~~, any person who has been determined by DHS-ORS to have misspent funds, as specified in 89 Ill. Adm. Code 527: Recovery of Misspent Funds~~ or licensed vendor, as specified in 89 Ill. Adm. Code 650 (Vending Facilities Program for the Blind) who has been aggrieved by any action or inaction by DHS-ORS.

"Hearing" means an administrative hearing of the appeal of the grievant as set forth in Section 510.105 and presided over by an Impartial Hearing Officer.

"Hearings Coordinator" means the DHS-ORS Chief, Bureau of Administrative Hearings ~~Manager, Division of Regulations and Procedures~~, who is responsible for communicating with grievants about their appeal requests, docketing and scheduling ~~Level II~~ hearings, and coordinating the appointment of Impartial ~~Level II~~ Hearing Officers.

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~~"Inaction" means the failure of DHS-ORS to act within 60 calendar days on a referral of any individual for services or on a request for any change in service or to make an eligibility determination for a customer who has applied for services within the time lines specified for the program to which he/she has applied or upon an application for services.~~

~~"Level I hearing" means a hearing at the first level of appeal by a grievant, as set forth in Section 510.70 and presided over by a Level I Hearing Officer.~~

~~"Level I Hearing Officer" means the DHS-ORS employee who conducts the Level I hearing as set forth in Section 510.90(a).~~

~~"Level II hearing" means a hearing at the second level of appeal by a grievant, as set forth in Section 510.80 and presided over by a Level II Hearing Officer.~~

"Impartial ~~Level II~~ Hearing Officer" means the individual appointed ~~an Impartial Hearing Officer selected~~ to conduct the hearing ~~Level II~~ Hearing as set forth in Section 510.90~~(b)~~.

"Inaction" means the failure of DHS-ORS to act within the time lines specified by the program to which a customer has applied for services to make an eligibility determination or to act on a request for any change in services unless an extension of time has been agreed to in writing by the customer or necessitated by the VR customer's participation in a trial work period.

"Informal Resolution Conference" means an attempt to informally resolve an appeal by the grievant and DHS-ORS, as set forth in Section 510.100.

"Mediator" means an individual who is qualified in mediation and knowledgeable of the laws and regulations relating to the provision of vocational rehabilitation services.

"Personal representative" means an attorney, CAP representative or other individual designated by a grievant to act on the grievant's behalf in the proceedings contained in this Part, as set forth in subsection (b)(34) of this Section and Section 510.100(de).

"Schools" means the three State Schools ~~schools~~ operated by DHS-ORS: Illinois Center for Rehabilitation and Education-Roosevelt ~~(formerly known as the Illinois Children's School and Rehabilitation Center)~~, the Illinois School for the Deaf, and the Illinois School for the Visually Impaired.

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"Services" means services provided directly or purchased by DHS-ORS as set forth in 89 Ill. Adm. Code~~:~~ Chapter IV, Subchapters b~~,~~ (Vocational Rehabilitation (VR)), c~~,~~ (Vocational Related Programs), d~~,~~ (Home Services Program (HSP)), and e~~,~~ (Specialized services for The Visually Impaired ~~Community and Residential Services for the Blind and Visually Impaired (CRSBVI)~~) and h~~,~~ Total Life Planning.

"Working Days" means Mondays through Fridays, excluding State ~~state~~ established holidays or days on which government offices are closed by order of the Governor.

b) General Provisions

1) A grievant who is not satisfied with an action taken by DHS-ORS, or with the failure of DHS-ORS to take action, is entitled to a ~~Level I~~ hearing. A customer of the Vocational Rehabilitation program may also request mediation.

~~2) If the grievant is a customer of the VR Program or a licensed vendor in the Vending Facilities Program for the Blind, a Level I hearing is optional. These grievants have the right to request that the grievance first be heard at a Level II hearing.~~

2)~~3)~~ Any and all notices and communications to DHS-ORS made pursuant to this Part should be in writing. Nonwritten communications will be accepted if the information required in subsection (b)(6~~7~~) of this Section~~,~~ ~~below,~~ is provided. All nonwritten communications shall be documented by DHS-ORS.

3)~~4)~~ A grievant may appoint a ~~personal~~ representative in accordance with Section 510.40(e)(2), who may exercise any right of the grievant on the grievant's behalf. A grievant may only designate one ~~personal~~ representative at a time. The designation must be in writing or on the record.

4)~~5)~~ All time periods related to communications arising under this Part commence on the date of receipt (receipt is presumed 5 days after ~~from~~ the date of postmark or on the day of delivery for hand delivered items), or, if a nonwritten ~~non-written~~ form of communication, on the date of receipt.

5)~~6)~~ A request for a hearing ~~An appeal~~ by any person not a "grievant" cannot be heard by DHS-ORS pursuant to this Part.

6)~~7)~~ The request for a hearing ~~an appeal~~ should include the specific determination and the date of the determination or, if appealing inaction, the date the action was requested, and specific identification of any other matter that is being appealed, but if this information is not readily available to the grievant, the grievant must supply sufficient information for DHS-ORS to identify the specific action or inaction that is being appealed.

7)~~8)~~ Should a grievant improperly request an appeal and other procedures for appeal are available, DHS-ORS will advise the grievant of the proper appeal process.

8)~~9)~~ Failure of a grievant to follow procedures as set forth in this

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Part or failure to request an appeal within the specified time frames found in Section 510.80 shall result in dismissal of the appeal except if the failure to follow procedure was a result of DHS-ORS failure to provide required notice or information.

9) After a request for a hearing is filed, the grievant or DHS-ORS may initiate attempts to resolve the grievance informally. The grievant and the appropriate DHS-ORS employee may agree to resolve disputed issues, at any time during the appeals process, prior to the issuance of the hearing decision. If prior to the hearing there is mutual agreement on an issue under dispute, this will remove the need for a hearing on that issue.

10) DHS-ORS, and the Department of Public Aid in the case of HSP ~~level II~~ hearings, will assume all administrative costs of the appeal (i.e., interpreters, pursuant to Section 510.40(b), and record, pursuant to Section 510.80(~~e~~f)) but will not assume costs ~~cost~~ personally incurred by the grievant because of the proceeding (e.g., legal fees, travel, witness costs, and room and board).

(Source: Amended at 23 Ill. Reg. 13195, effective NOV 15 1999)

Section 510.20 What May Be Appealed

The following may be appealed under this Part:

a) DHS-ORS' refusal to provide any service which it is authorized to provide;

b) modification of any service currently provided to the customer by DHS-ORS, termination of a service or case closure, unless agreed to ~~upon~~ by the customer and DHS-ORS;

c) a determination that a customer is ineligible for services;

d) issues related to sex equity at ~~and~~ DHS-ORS schools, set forth in 89 Ill. Adm. Code 829;

e) refusal of the schools to permit modifications to a student's records, set forth in 89 Ill. Adm. Code 765.60(a)(1);

~~f) collection of misspent funds, set forth in 89 Ill. Adm. Code 527;~~

f)~~g)~~ inaction of DHS-ORS employees as defined in Section 510.10;

g)~~h)~~ dissatisfaction of a licensed vendor in the Vending Facilities Program for the Blind with any action of DHS-ORS arising from the administration of the Vending Facilities Program for the Blind; and

h)~~i)~~ dissatisfaction of a customer of the CRSBVI program as set forth in 89 Ill. Adm. Code 730, Subpart D.~~;~~ ~~and~~

~~j) matters concerning the conduct of customers in the adult residential training program for individuals with visual disabilities, as set forth in 89 Ill. Adm. Code 730, Subpart D.~~

(Source: Amended at 23 Ill. Reg. 13195, effective NOV 15 1999)

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Section 510.30 What May Not Be Appealed

The following may not be appealed under this Part:

a) changes in services or procedures over which DHS-ORS exercises no discretion or control;

b) changes in services or procedures which are mandated by federal or State ~~state~~ law or regulation;

c) failure to provide services which DHS-ORS, in accordance with federal or State ~~state~~ law, regulations, and the State VR Plan or other plans submitted to the federal government by DHS-ORS as a condition of receiving federal funding cannot provide;

d) the establishment of, and provisions contained in, an Individualized Educational Program (IEP) and other matters as governed by 89 Ill. Adm. Code 828~~: Chapter IV, Subchapter f~~ (Educational Facilities), except as set forth in Section 510.20(d) and (e);

e) all recommendations for decisions and procedures for the adjudication of benefits under the federal Social Security Act which are made by DHS-ORS under its authority from the United States Department of Health and Human Services, Social Security Administration~~, as set forth in 89 Ill. Adm. Code: Chapter IV, Subchapter g (Bureau of Disability Determination Services)~~;

f) issues challenging ~~related to~~ the legality of DHS-ORS rules;

g) discipline of a vendor under the Vending Facilities Program for the Blind, as set forth in 89 Ill. Adm. Code 650;

h) student discipline, as set forth in 89 Ill. Adm. Code 827;

i) DHS-ORS findings relating to the evaluation of rehabilitation facilities, as set forth in 89 Ill. Adm. Code 530~~, Subpart A~~;

j) a grievance which has already been decided through the appeal process as set forth in this Part;

k) an action taken by DHS-ORS which does not affect the grievant (e.g., a customer wishing to appeal DHS-ORS terminating sponsorship of another customer in training for failing to maintain the grade point average required in 89 Ill. Adm. Code 590.270 ~~592.80~~);

l) a grievance filed under the Americans with Disabilities Act (42 USC ~~U.S.C.~~ 12101); and

m) an appeal of a requirement to have a Teletypewriter/Telephone Device for the Deaf (TTY/TDD) as a condition of a contract.

(Source: Amended at 23 Ill. Reg. 13195, effective NOV 15 1999)

Section 510.40 Grievant Rights

a) DHS-ORS shall ~~must~~ make the grievant aware, in a language that is understandable to the grievant, of the right to appeal pursuant to this Part, at the following times or events:

1) upon application for services;

2) upon denial of application;

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3) after the initiation, or change, of services;
4) upon termination of a service;
5) upon closure;
6) ~~after a determination that funds have been misspent;~~
6)~~7)~~ upon enrollment in a DHS-ORS school; and
7)~~8)~~ upon entrance into the Vending Facilities Program for the Blind.

b) The grievant may request an interpreter or reader, either sign (if ~~the grievant relies on~~ sign-language is the grievant's ~~his/her~~ usual mode of communication) or language (if the grievant's normally spoken language is other than English), to attend the hearing. The request should be made 10 days before the date of the hearing. A visually impaired grievant may either request a reader to read materials provided by DHS-ORS in preparation for the hearing or request that the materials be provided in Braille, large print or audio tape. The request must be made within 5 ~~2~~ working days after ~~of~~ being informed of the date of the hearing ~~their rights under this Part, which should occur when the appeal is requested~~.

c) All meetings with the grievant pursuant to this Part must occur at a time and location convenient to both parties.

d) If the grievant is a customer of the VR Program (89 Ill. Adm. Code: Chapter IV, Subchapter b), HSP (89 Ill. Adm. Code: Chapter IV, Subchapter d) or, CRSBVI program, ~~or the adult training program for persons with visual disabilities~~ (89 Ill. Adm. Code: Chapter IV, Subchapter e), the grievant may have the right to the assistance of the DHS-ORS Client Assistance Program (CAP) in the preparation, presentation and representation of the matters to be heard. DHS-ORS must inform the customer of this right at the time of request for services, application and referral for services and at service initiation or modification, and at closure, as well as when the grievant requests a hearing.

e) After a request for a hearing is received by DHS-ORS, the grievant will be provided with written notification of the grievant's ~~his/her~~ right to:
1) review the case file and other related documents;
2) be represented by a ~~personal~~ representative during any informal resolution conference ~~at a level I hearing~~ in accordance with Section 510.100(~~d~~e), during any mediation process pursuant to Section 103(h) or at a ~~level II~~ hearing by filing an appearance with the Hearings Coordinator, pursuant to Section 510.105(c);
3) an explanation of the appeal process as set forth in this Part;
4) decline to appear for a ~~level I or II~~ hearing, in which case a review of the case file and any new evidence or information submitted by the grievant will be examined and a decision made based on that review by the Impartial Hearing Officer;
5) withdraw the appeal at any time during the process, in which case the grievant cannot request a reopening of the appeal;
6) a timely and impartial hearing;
7) confidentiality of these proceedings, as set forth in 89 Ill. Adm. Code 505.10 and pursuant to either Section ~~subsection~~ 510.100(a), 510.103(a) or 510.105(a);
8) a continuation of services, as set forth in Section 510.60~~(e)~~; and
9) have DHS-ORS employees involved in the appealed action present at the hearing or any informal resolution conference, and to question them, with the exception listed in Sections 510.100(e)(4) and 510.105(g)(2).

(Source: Amended at 23 Ill. Reg. 13195, effective NOV 15 1999)

Section 510.50 DHS-ORS Rights

DHS-ORS ~~DORS~~ has the right to:
a) refuse to hear appeals pursuant to Section 510.30;
b) have a DHS-ORS attorney present at any hearing;
c) cooperation by the grievant;
d) publish hearing summaries, with deletions as necessary to ensure confidentiality; and
e) consolidate into a single ~~for~~ hearing all issues relating to a grievant or an issue raised by ~~to~~ several grievants which arise out of the same set of facts and circumstances.

(Source: Amended at 23 Ill. Reg. 13195, effective NOV 15 1999)

Section 510.60 Service Notice

a) This Section applies to VR and HSP customers only.
b) When an individual applies for VR or HSP services from DHS-ORS, the individual must be informed that DHS-ORS notifies customers whenever it denies, modifies or terminates a service or services, if not mutually agreed upon; and of the right to action within 60 calendar days after a ~~from~~ request for an application. DHS-ORS must send the customer a service notice at least 15 working days before the effective date of the action.
c) Any action mutually agreed upon must be so documented in the customer's case file.
d) The service notice must:
1) contain the name, address and telephone number of the person to whom the request for a hearing ~~the level I hearing~~ must be made ~~(the supervisor of the staff who made the decision being appealed, or if that person was involved in the decision, that person's supervisor)~~;
2) outline the action;
3) state the basis for the action;
4) give the effective date of the action; and

5) inform the customer of the right to a ~~Level I~~ hearing in the matter ~~or that if a customer of the VR Program chooses, he/she may proceed to Level II,~~ and of the specific means of initiating the ~~Level II~~ hearing.

e) For issues related to the disposition of services during the hearing process, the customer must also be advised that DHS-ORS will continue to provide the disputed services until DHS-ORS final decision has been rendered unless:

1) the services being provided were obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the customer;

2) the service has been planned but not commenced; or

3) the customer, or as appropriate, the customer's parent, family member, guardian, advocate or duly authorized representative, requests the service be terminated. Continuances in the proceeding shall not be issued for the purpose of extending services.

f) A service which is the subject of an appeal will not continue if the change is:

1) initiated by the customer;

2) unilaterally initiated by a service provider other than DHS-ORS;

3) planned or authorized, but not commenced; or

4) contraindicated on the basis of medical or psychological information contained in the customer's case record.

g) In no event will a disputed service continue past the ~~planned~~ ending date on the Individualized Plan for Employment ~~INDIVIDUALIZED (IPE) WRITTEN REHABILITATION PROGRAM (IWRP)~~ for VR and CRSBVI customers unless the customer and counselor agree to an extension IPE to be in effect pending the outcome of the hearing ~~, or 100 days from the date of the service notice for HSP customers. For HSP customers, the length of time for any delay or continuance caused or requested by DHS-ORS, DPA, or made by mutual agreement, will be added to the 100 day period during which services will continue. Any delays or continuances caused or requested by a grievant will not extend this period.~~

(Source: Amended at 23 Ill. Reg. 13195, effective NOV 15 1999)

Section 510.70 Level I Hearings (Repealed)

~~a) A grievant may request a Level I hearing by asking DHS-ORS (e.g., counselor, supervisor, etc.) or by filling out a REQUEST FOR HEARING (IL 488 1940) and submitting it to DHS-ORS.~~

~~b) A grievant must request a Level I hearing within the following time limits:~~

~~1) for grievances relating to the VR Program or HSP, the request for a Level I hearing must be received within 15 working days of~~

~~receipt of any written notice. Requests for hearings for grievances of issues for which notice has not been sent (e.g., DHS-ORS inaction) must be received within 15 working days of the date the grievant knew, or should have known, of the issue being grieved or 20 working days from the date of the postmark on the notice, if the customer was informed by mail;~~

~~2) for grievances relating to bidding for an available vending facility location (89 Ill. Adm. Code 650.600), the request must be made within 5 working days of the date of receipt of the notice of selection by the grievant;~~

~~3) for grievances relating to the conduct of a customer of the adult residential training program for persons with visual disabilities, the request must be received within 2 working days after the grievant learns of the disciplinary action imposed; or~~

~~4) for grievances related to misspent funds, the grievant may request a hearing within 15 working days of the receipt of the written notice of intended recovery.~~

~~c) A request by a grievant of the VR Program for a Level I hearing signifies agreement to an extension of the federally mandated time period of 45 calendar days for the conclusion of a Level II hearing which times shall commence on the date the Level II hearing is requested.~~

~~d) The Level I hearing must be scheduled for between 10 and 15 working days of the date of receipt of the request for the hearing at a time and date convenient to all parties. The grievant must be informed in writing by the Level I Hearing Officer, within 5 working days of receiving the request, of the date, time, location, name, address and telephone number of the Level I Hearing Officer, and of all rights accorded under this Part. The Level I hearing shall be held in the local DHS-ORS facility unless, in the request, the grievant indicates that, due to his/her disability, he/she cannot attend at the local DHS-ORS facility. If the grievant cannot attend the Level I hearing in the local DHS-ORS facility, the hearing shall be held in the grievant's home.~~

~~e) If the grievance pertains to the conduct of a customer in the adult residential training program for persons with visual disabilities, the hearing must be scheduled between 3 and 5 working days after the date of receipt of request for the hearing. The grievant must be informed by the Level I Hearing Officer, within 2 working days after receiving the request for the Level I hearing, of the name and address of the Level I Hearing Officer, and of all rights accorded the grievant under this Part.~~

~~f) Within 10 working days after adjournment of the Level I hearing, the Level I Hearing Officer shall send the decision, in writing, to the grievant, or as appropriate, the parent, family member, guardian, advocate or duly authorized representative, and the DHS-ORS Hearings Coordinator. The decision must contain:~~

~~1) a statement of the basis upon which the decision was made;~~

~~2) the applicable laws and policies used;~~
~~3) the name, address and telephone number of the DHS-ORS Hearings Coordinator;~~
~~4) a statement that if the grievant is dissatisfied with the decision, a Level II hearing may be requested by submitting a request to the DHS-ORS Hearings Coordinator no later than 15 working days of the date the Level I hearing decision was received; and~~
~~5) a statement that the decision rendered as a result of the Level I hearing shall become final 20 working days after the date of the postmark on the decision letter unless the grievant requests a Level II hearing.~~

~~g) If the grievance pertains to the conduct of a customer in the adult residential training program for persons with visual disabilities, within 2 working days after adjournment of the Level I hearing, the Level I Hearing Officer shall inform the grievant of the decision by telephone, and shall provide written confirmation to the grievant within 7 working days. The decision must contain:~~
~~1) a statement of the basis upon which the decision was made;~~
~~2) the applicable laws and policies used;~~
~~3) the name, address and telephone number of the DHS-ORS Hearings Coordinator;~~
~~4) a statement that if the grievant is dissatisfied with the decision, a request for a Level II hearing must be received by the DHS-ORS Hearings Coordinator within 2 working days from the date of the telephone call on the Level I hearing decision; and~~
~~5) a statement that the decision rendered as a result of the Level I hearing shall become final 3 working days after the date of the postmark on the decision letter unless the grievant requests a Level II hearing.~~

(Source: Repealed at 23 Ill. Reg. 13195, effective NOV 15 1999)

Section 510.80 Request for a Hearing ~~Level II Hearings~~

a) If a customer is dissatisfied with any determination made by DHS-ORS concerning the furnishing, timeliness or denial of services, he/she may request a timely review of these determinations. This request for a hearing shall be made through the Hearings Coordinator or by completing a request for hearing (IL 488-1949) and presenting it to DHS-ORS.

~~a) If the grievant is not satisfied with the Level I decision, or has chosen not to request a Level I hearing pursuant to Section 510.10(b), he/she may request a Level II hearing through the Hearings Coordinator or by completing a REQUEST FOR HEARING (IL 488-1948) and presenting it to DHS-ORS.~~

b) A grievant must request a ~~Level II~~ hearing within the following time limits:

~~1) if the request is for a Level II hearing after a Level I hearing on the same matter, it must be received within 15 working days from the date of receipt of the Level I hearing decision;~~

1)~~2)~~ if the request is for review of an action by DHS-ORS VR program or HSP, ~~for which there has not been a Level I hearing, pursuant to Section 510.10(b),~~ it must be received within 30 calendar ~~15~~ working days after ~~from~~ the date the grievant receives notice, or knew or should have known of the issue being grieved, or 35 calendar ~~20 working~~ days after ~~from~~ the date of the post mark on the notice, if the customer was informed by mail, whichever is later;

2)~~3)~~ if the request relates to an available vending facility location ~~and there has not been a Level I hearing~~, it must be made within 5 working days after ~~of~~ receipt by the grievant of the notice of selection; or

3)~~4)~~ if the grievance pertains to the conduct of a customer in the adult residential training program for persons with visual disabilities, the request must be received within 2 working days after the date of the action or inaction being grieved. ~~Level I hearing decision, and propose one hearing date which shall be within 5 working days after the request;~~ or

~~5) if the issue involves collection of misspent funds, the request must be made within 35 calendar days from the receipt of the written notice of the intent to recover per Section 8 of the Illinois Grant Funds Recovery Act (30 ILCS 705/8).~~

c) The request for a hearing must state whether the grievant is unable to attend a hearing in the local DHS-ORS facility due to the grievant's disability. The Hearings Coordinator will contact the grievant or, as appropriate, the grievant's representative to determine a mutually acceptable date for the hearing. Except as set forth in Section 510.80(j)(3) and as specified by the Department of Public Aid for HSP hearings, in no case shall the hearing be held later than 45 calendar days after receipt of the grievant's request. ~~must, except as set forth in Section 510.80(b)(4), propose 4 acceptable dates for the hearing which shall be within 20 working days of the request and state whether the grievant is unable to attend a hearing in the local DHS-ORS facility due to his/her disability, in which case it will be held in the grievant's home. If none of the dates are acceptable to DHS-ORS, the Hearings Coordinator will notify the grievant, or as appropriate, a parent, family member, guardian, advocate or duly authorized representative, to determine a mutually acceptable date. In no case shall the Level II hearing be scheduled later than 45 calendar days of the grievant's request.~~

d) At least 30 days prior to the scheduled date of the hearing, ~~Within 5 working days of receipt of the request for a Level II hearing,~~ DHS-ORS Hearings Coordinator shall send the grievant a letter, certified mail, return receipt requested:

1) acknowledging the request for the hearing;
2) stating the date, time and location for the hearing;
3) stating the name and address of the individual who shall act as the Impartial ~~Level II~~ Hearing Officer~~, or, for Level II hearings arising from HSP, the address of the Department of Public Aid (DPA) Assistance Hearings Section which, pursuant to Medicaid Regulations, assign a Hearing Officer~~;
4) containing ~~contain~~ a statement of the issue(s) being grieved; ~~and~~
5) informing the grievant of the rights accorded ~~him/her~~ under this Part;
6) informing the grievant of the options of the informal resolution conference and, for vocational rehabilitation customers, of the Mediation Process; and
7) directing the grievant to the proper individual to whom to direct the request for these options per Sections 510.100 and 510.103 of this Part.

~~e) If the Level II hearing is held after a Level I hearing, only those issues presented at the Level I hearing shall be heard.~~

e)~~f)~~ DHS-ORS shall make an audio tape recording of the ~~Level II~~ hearing proceedings and will, upon request, provide one copy to the grievant at no cost. If an audio tape is not an accessible format for the grievant, upon request of the grievant, DHS-ORS shall prepare a transcript in an accessible format, and provide one copy of the transcript to the grievant at no cost.

f)~~g)~~ The official record of the ~~Level II~~ hearing shall consist of:
1) all pleadings, motions, and rulings;
2) evidence, including testimony and exhibits;
3) a statement of matters officially noticed;
4) offers of proof;
5) objection and rulings thereon;
6) the Impartial ~~Level II~~ Hearing Officer's decision; and
7) if applicable, documents and decisions ~~decision~~ from an Associate Director's Review (Section 510.110).

g)~~h)~~ For grievances arising from the VR Program, findings of fact and the decision, prepared by the Impartial ~~Level II~~ Hearing Officer, will be mailed within 15 working days after the adjournment of the Hearing ~~Level II hearing~~. The decision of the Impartial Hearing Officer shall be binding on DHS-ORS. DHS-ORS shall initiate implementation of the decision on the date specified in the decision, but no later than 20 calendar days after its receipt. No employee of DHS-ORS shall interfere with the implementation of the decision.

h)~~i)~~ For grievances pertaining to the conduct of a customer in the adult residential training program for persons with visual disabilities, the findings of fact shall be provided within 2 working days after the adjournment of the ~~Level II~~ hearing.

i)~~j)~~ For a grievance arising from the selection of a vendor for a vending location in the Vending Facilities Program for the Blind, the Impartial ~~Level II~~ Hearing Officer shall submit his/her recommended

decision to the Associate Director within 15 days after ~~of~~ the date of adjournment of the ~~Level II~~ hearing. The recommendation shall be based upon the record of the hearing, citing applicable provisions of law and policy. The Associate Director shall mail the final decision on the appeal ~~grievance~~ to the grievant, and as appropriate, the grievant's representative, within 5 working days after ~~of~~ receiving the Impartial ~~Level II~~ Hearing Officer's recommendation. The Associate Director's decision shall state the principal issues and relevant facts brought out at the ~~Level II~~ hearing, pertinent provisions in law and DHS-ORS policy, the reasoning that led to the decision, the right to appeal pursuant to Section 510.120(c), and the effective date of the decision and shall have attached a copy of the Impartial ~~Level II~~ Hearing Officer's recommendation ~~recommendations~~.

j)~~k)~~ For ~~Level II~~ hearings arising from HSP, in addition to the other provisions contained in this Part, the following procedures shall apply:
1) after receipt of the request for the ~~Level II~~ hearing, pursuant to Section 510.80(b)(1), the DHS-ORS Hearings Coordinator shall forward the request to ~~the DPA Assistance Hearings Section~~ which, pursuant to Medicaid Regulations, shall have administrative authority over all ~~Level II~~ hearings arising from HSP;
2) the ~~Level II~~ hearing shall be conducted by an Impartial Hearing Officer approved ~~appointed~~ by DPA;
3) DPA's rules, as set forth at 89 Ill. Adm. Code 104, shall apply, except 89 Ill. Adm. Code 104.10, 104.11, ~~104.20, 104.21(c), 104.70~~ and 104.80. All other rules contained in this Part shall apply to the extent they do not conflict with DPA's rules;
4) DPA, DHS and the Impartial Hearing Officer shall make any reasonable accommodation necessary to ensure that the customer is able to file an appeal and participate in the hearing ~~all notices and communications made pursuant to this Section must be in writing, unless the grievant is unable to communicate in writing. All non written communication shall be directed to the DHS-ORS Hearings Coordinator who shall relay the communication to the DPA Assistance Hearings Section or DPA Impartial Hearing Officer, as appropriate. In such instances, the Hearings Coordinator shall document such communication in the grievant's hearing file~~; and
5) the hearing shall be held in the local DHS-ORS ~~DPA~~ office unless, because of the grievant's disability, the grievant is unable to attend the hearing in the local DHS-ORS ~~DPA~~ office. In such instances, the hearing shall be held in the grievant's home.

~~k) The decision of the Level II Hearing Officer shall be binding on DHS-ORS unless the Associate Director sends a Notice of Intent to Review as specified in Section 510.110(a). DHS-ORS shall initiate implementation of the decision on the date specified in the decision, but no later than 20 calendar days of its receipt. No employee of DHS-ORS shall interfere with implementation of the decision.~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 23 Ill. Reg. 13195, effective NOV 15 1999)

Section 510.90 Impartial Hearing Officers

~~a) The Level I Hearing Officer must be the supervisor of the DHS staff person who has taken the action being grieved, or that person's supervisor pursuant to Section 510.60(d), except for hearings to modify school records per 89 Ill. Adm. Code 765.60(a)(1) and hearings to resolve school sex equity issues pursuant to 89 Ill. Adm. Code 829, which must be heard by the school superintendent or his/her designee or, if the grievance pertains to the conduct of a customer at the adult residential training program for persons with visual disabilities, the Level I Hearing Officer must be the employee designated by the Deputy Director of the Bureau of Blind Services to hear such grievances.~~

a)~~b)~~ A ~~Level II~~ hearing must be heard by an individual randomly selected from the list of DHS-ORS approved Impartial ~~Level II~~ Hearing Officers and designated by the Associate Director except:

1) for grievances arising from modification of school records or school sex equity, the Impartial ~~Level II~~ Hearing Officer shall be the DHS-ORS ~~Deputy~~ Director of Education ~~the Bureau of Rehabilitation~~ Services or his/her designee; and
2) for grievances arising from HSP, the Impartial ~~Level II~~ Hearing Officer shall be approved ~~appointed~~ by DPA.

b)~~c)~~ If the grievant, or the parent, family member, guardian, advocate or duly authorized representative of the grievant, believes the Impartial ~~Level II~~ Hearing Officer selected to conduct the hearing is biased against the grievant, or has a conflict of interest, the grievant may make a written request to the Hearings Coordinator at least 5 working days prior to the ~~Level II~~ hearing for removal of the individual thought to be biased or to have a conflict of interest and for assignment of another individual as the Impartial ~~Level II~~ Hearing Officer. The request must be accompanied by an affidavit signed and dated by the grievant, or as appropriate, a parent, family member, guardian, advocate or duly authorized representative of the grievant, setting out specific facts upon which the claim of prejudice or conflict of interest is based.

c)~~d)~~ When an affidavit, as described in subsection (b~~c~~) above, is received, the DHS-ORS Hearings Coordinator shall assign another individual to serve as the Impartial ~~Level II~~ Hearing Officer if it is determined by the DHS-ORS Hearings Coordinator and other appropriate staff that prejudice or conflict of interest exists.

d)~~e)~~ The Impartial ~~Level I and Level II~~ Hearing Officer has the power to:

1) control the conduct of the hearing to prevent irrelevant or immaterial discussion;
2) rule upon all motions and other matters arising in the course of the hearing, including, but not limited to, a party's motion or objection concerning the admissibility of evidence;
3) examine any of the witnesses at any time or request additional information from either party; and
4) require the parties, at any stage of any hearing or after all parties have completed the presentation of their evidence, to present further evidence including, but not limited to, the production of any and all documents, books, paper and accounts the Impartial Hearing Officer deems material or relevant to any issue.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 23 Ill. Reg. 13195, effective NOV 15 1999)

Section 510.100 Informal Resolution Conference ~~Conduct of Level I Hearings~~

a) Every proceeding pursuant to this Section is to be confidential and not open to the general public unless the grievant so requests.

b) The Informal Resolution Conference ~~Level I hearing~~ is an informal review of the decision with the goal of mutually resolving the issues being appealed. Procedures set forth in the Code of Civil Procedures [735 ILCS 5] do not apply.

c) A grievant may request an Informal Resolution Conference, in the period between the filing of the appeal and the hearing decision, by contacting the office out of which the grievant receives services.

d)~~e)~~ The grievant may choose to have a ~~personal~~ representative present at the conference ~~hearing~~.

e) If the grievance pertains to the customer's VR program or HSP, the supervisor of the DHS-ORS employee whose action is being grieved must schedule and chair the informal resolution conference at a time and date convenient to all parties. For grievances by a blind vendor, the chair shall be the Administrator or that person's supervisor. The grievant must be notified of the name, address and telephone number of the DHS-ORS employee chairing the meeting. The informal resolution conference shall be held in the local DHS-ORS facility unless, in the request, the grievant indicates that due to the grievant's disability the grievant cannot attend at the local DHS-ORS facility. In this case the conference shall be held in the grievant's home.

f) During the informal resolution conference the chair should:

1) initiate the conference with an opening statement explaining the purpose of the conference;
2) assist the parties in determining and clarifying the issues;
3) facilitate a fair and complete presentation and discussion of relevant information, both oral and written;
4) as appropriate, summarize the positions of the grievant and DHS-ORS;
5) provide an opportunity to discuss settlement or agree on a course of action; and
6) if no resolution is reached, assure the grievant is made aware of

the next step of the appeal process.

g) The informal resolution conference is concluded either with a mutually agreed upon resolution of the issue or some of the issues, or with the conclusion that the issues cannot be resolved and the grievance should proceed to hearing. At the conclusion of the informal resolution process, the DHS-ORS staff person chairing the conference shall reduce any mutually agreed upon resolutions to writing. The confirmation of the agreement must be signed by both the grievant and the chair. The confirmation must also include the agreement of the customer to withdraw the grievance on the agreed issues. The agreement should list all agreed issues and all outstanding issues. Unless circumstances prohibit, the agreement should be reduced to writing while all parties are still there. If the disputed issue is resolved, the parties should inform the Hearings Coordinator to withdraw the grievance.

d) All parties involved in the hearing must avoid delay so that the subject matter of the grievance may be resolved expeditiously. A hearing may for good cause shown (e.g., illness of the grievant, representative or DHS-ORS employee involved in the action or severe weather) be continued by the Level I Hearing Officer. In the absence of an emergency, a request for a continuance must be made to the other party and the Hearing Officer no later than 3 working days prior to the original hearing date. In the absence of an emergency, if the grievance pertains to the conduct of a customer of the adult residential training program for persons with visual disabilities, the notice must be provided to the other party and the Hearing Officer no less than 1 working day prior to the original hearing date.

e) Evidence

1) The relevant portions of the case file may be introduced into evidence, and DHS must provide a copy to the grievant 3 working days before the hearing. However, only information from the grievant's case file bearing directly on the issue under review, per Section 510.20, may be considered.

2) Either party may present information and evidence in addition to the case file, which must also be made available to the other party at least 3 working days prior to the hearing or by stipulation at the hearing. If the grievance pertains to the conduct of a customer of the adult residential training program for persons with visual disabilities, such information must be shared within 1 working day prior to the hearing.

3) The Level I Hearing Officer may not consider any information that has not been made available to the other party. The parties may stipulate as to the admissibility of evidence not submitted to the other party at least 3 working days prior to the hearing.

4) DHS-ORS employees directly involved in contested action will be present to testify and can be questioned by the grievant. However, if such person is no longer employed by DHS-ORS and declines to attend the hearing after DHS-ORS has made a reasonable attempt to secure his/her attendance, the person most knowledgeable about the case will attend.

5) The grievant and DHS-ORS may call any person as a witness who may have relevant information.

f) The grievant shall have the responsibility to prove by a preponderance of the evidence that the action or inaction by DHS-ORS was unlawful, against DHS-ORS policy, not in accordance with the grievant's IWRP (89 Ill. Adm. Code 572) or HSP Service Plan (89 Ill. Adm. Code 700), or inappropriate for the customer. The Level I Hearing Officer shall inform the grievant of this requirement at the beginning of the hearing.

g) The proceedings should be conducted in the following manner:

1) an opening statement by the hearing officer explaining the process and the purpose of the Level I hearing;

2) determination and clarification of the issues and consideration of any other preliminary matter;

3) a fair and complete presentation and discussion of all the evidence, both written and oral, which is related to, and addresses, the issues, by the grievant and DHS-ORS;

4) summary of positions by the grievant and DHS-ORS, if requested;

5) closing statement by the hearing officer, which will provide an opportunity to discuss settlement or agree on a course of action.

h) A hearing will not be adjourned until the Level I Hearing Officer has received all information agreed upon within the time the parties have agreed to provide it.

i) The Level I Hearing Officer may take one of several courses of action, which include, but are not limited to the following:

1) negotiate a course of action which is mutually agreed upon by the grievant and DHS-ORS to resolve the matter in dispute, which shall be written up as a settlement agreement, including a withdrawal of the appeal;

2) accept a settlement of the issues agreed to by the grievant and DHS-ORS, which must include a written withdrawal of the appeal;

3) issue a decision finding in favor of the grievant in whole or in part;

4) issue a decision upholding the determination or action of DHS-ORS in whole or in part; or

5) accept a withdrawal of the appeal confirmed in writing signed by the grievant, or, as appropriate, by a parent, family member, guardian, advocate, or duly authorized representative of the grievant.

(Source: Amended at 23 Ill. Reg. 13195, effective NOV 15 1999)

Section 510.103 Mediation Process for the Vocational Rehabilitation Program

a) Every proceeding pursuant to this Section is to be confidential and

may not be used as evidence in any subsequent due process hearing or civil proceeding. If deemed necessary by the assigned qualified and impartial mediator, parties to the mediation process may be required to sign a confidentiality pledge prior to commencement of the process.

b) The customer shall be informed of the availability of the Mediation Process each time the customer is advised of the right to appeal. The mediation process is available whenever a hearing concerning vocational rehabilitation services is requested under this Part.

c) The mediation process shall be voluntary on the part of the parties and shall be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

d) DHS shall maintain a list of qualified mediators who shall be knowledgeable in the laws and regulations relating to the provisions of vocational rehabilitation services. Mediators shall be selected from this list.

e) The customer may request the assignment of a mediator to resolve the issues in dispute by contacting the Hearings Coordinator. The Hearings Coordinator shall assign the mediator from the list of qualified mediators maintained by DHS.

f) Sessions held as a part of the Mediation Process shall be scheduled in a timely manner and shall not delay the scheduled hearing. Mediation sessions shall be scheduled by the mediator.

g) The mediation sessions shall be held at a location convenient to all parties.

h) The customer or, as appropriate, the customer's representative may submit evidence and information to support the position of the customer. The Department may also submit evidence and information that supports its position.

i) Any agreement reached by the parties during the mediation process shall be set forth in a written mediation agreement signed by both parties.

j) Nothing in this Section shall be construed to preclude the parties from informally resolving the dispute prior to proceedings under this Section.

k) The cost of the mediator shall be paid by DHS-ORS.

(Source: Added at 23 Ill. Reg. 13195, effective NOV 15 1999)

Section 510.105 Conduct of ~~Level II~~ Hearings

a) Every proceeding pursuant to this Section is to be confidential and not open to the general public unless requested to be so by the grievant.

b) Procedures set forth in the Code of Civil Procedure [735 ILCS 5], except as provided in subsection (g) of this Section, do not apply to the procedures contained in this Section.

c) The grievant must notify DHS-ORS Hearings Coordinator of the

appointment of a personal representative by filing, no later than 3 working days in advance of a hearing, a notice of appearance stating the personal representative's name, address and telephone number, identifying the grievant represented, and signed by the grievant. If the grievance pertains to the conduct of a customer of the adult residential training program for persons with visual disabilities, such notice must be made no later than 1 working day in advance of the hearing. Such notice must be accompanied by appropriate consent to ~~for~~ the release of confidential information to the ~~personal~~ representative, if one is not already on file.

d) At least 3 working days prior to the hearing, the grievant and the DHS-ORS staff person who has taken the action being grieved must provide each other and the Impartial Hearing Officer with a list of witnesses, copies of documents not in the possession of the other party, and a summary of the evidence which they plan to present at the hearing. If the grievance pertains to the conduct of a customer of the adult residential training program for persons with visual disabilities, such information must be shared within 1 working day prior to the hearing.

e) All parties involved in the hearing must avoid repetitive continuances so that the subject matter of the grievance may be resolved expeditiously. A hearing may for good cause shown (e.g., illness of the grievant, representative or DHS-ORS employee involved in the action or severe weather) be continued ~~once~~ by the Impartial ~~Level II~~ Hearing Officer. In the absence of an emergency, notice of the request must be given in writing to the other party and the Impartial ~~Level II~~ Hearing Officer no later than 3 working days prior to the original hearing date. In the absence of an emergency if the grievance pertains to the conduct of a customer of the adult residential training program for persons with visual disabilities, the notice must be provided to the other party and the Impartial ~~Level II~~ Hearing Officer no less than 1 working day prior to the original hearing date. The granting of continuances for ~~Level II~~ hearings arising from HSP shall be governed by DPA.

f) The grievant shall have the responsibility to prove by the preponderance of the evidence that the action or inaction by DHS-ORS was unlawful, against DHS-ORS policy, not in accordance with the grievant's IPE ~~IWRP~~ (89 Ill. Adm. Code 572) or HSP Service Plan (89 Ill. Adm. Code 684 ~~700~~), or inappropriate for the customer. The Impartial ~~Level II~~ Hearing Officer shall inform the grievant of this requirement at the beginning of the ~~Level II~~ hearing.

g) Evidence

1) The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed except that any relevant evidence not admissible under those rules of evidence which is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs, has probative value, and is relevant and material to the facts and issues may

be admissible.

2) DHS-ORS employees directly involved in the contested action will be present to testify and can be questioned by the grievant. However, if such person is no longer employed by DHS-ORS and declines to attend the hearing after DHS-ORS has made a reasonable attempt to secure his/her attendance, the person most knowledgeable about the case will attend.

3) Only information bearing directly on the issue under review, per Section 510.20, may be introduced from the grievant's case file. The Impartial ~~Level--II~~ Hearing Officer may not consider any information that has not been made available to the other party.

4) Either party may present information and evidence in addition to the case file, which must also be made available to the other party at least 3 working days prior to the hearing or by stipulation at the hearing.

5) The grievant and DHS-ORS may call any person as a witness and conduct examination and cross-examination.

6) The grievant and DHS-ORS may, by stipulation, agree upon any facts involved in the proceeding. The facts stipulated must be considered as evidence in the proceedings.

h) The following is the order of the proceedings:

1) presentation, arguments, and disposition of all preliminary motions and matters;

2) opening statements ~~statement~~;

3) evidence presented by the grievant;

4) evidence presented by DHS-ORS;

5) rebuttal by either or both sides;

6) closing statements by the grievant;

7) closing statements by DHS-ORS; and

8) rebuttal by grievant.

i) A hearing will not be adjourned until the Impartial ~~Level--II~~ Hearing Officer has received all information agreed upon within the time the parties have agreed to provide it.

j) The Impartial ~~Level--II~~ Hearing Officer may take one of several courses of action in making a decision, which include, but are not limited to the following:

1) find in favor of the grievant;

2) uphold the determination or action of DHS-ORS;

3) accept a withdrawal of the appeal confirmed in writing signed by the grievant, or as appropriate, a parent, family member, guardian, advocate or duly authorized representative of the grievant, which must be filed with the Hearings Coordinator;

4) accept a settlement of the issues agreed to by the grievant and DHS-ORS which must include a written withdrawal of the appeal, which must be filed with the Hearings Coordinator.

(Source: Amended at 23 Ill. Reg. 13195, effective NOV 15 1999)

Section 510.110 Associate Director's Review for Residential/Training Programs for Persons with Visual Impairments

The Associate Director may review an Impartial Hearing Officer's decision that pertains to the conduct of a customer in the adult residential training program for persons with visual impairments. The Notice of Intent to Review shall be issued within 7 working days after the receipt of the Impartial Hearing Officer's decision. The scope of such review shall include, but not be limited to, the consistency of the Impartial Hearing Officer's finding with applicable law and regulation, that the decision is not reasonably supported by the evidence, or the decision is arbitrary, capricious, or characterized by abuse of or clearly unwarranted exercise of discretion. The Notice of Intent to Review shall include a listing of the issues being reviewed. The Associate Director's decision, citing the findings and grounds, must be mailed within 12 calendar days after the Notice of Intent to Review. This decision must be sent by certified mail, return receipt requested, to the grievant.

~~a) The Associate Director may choose to review any Level II decision except for an appeal brought by a licensed vendor in the Vending Facilities Program for the Blind, by issuing a Notice of Intent to Review within 20 calendar days of the mailing of the decision to the grievant. If the grievance pertains to the conduct of a customer in the adult residential training program for persons with visual disabilities, the Notice of Intent to review shall be issued within 7 working days. The scope of such review shall include, but is not limited to, the consistency of the Level II Hearing Officer's finding with applicable law and regulations. The Notice of Intent to Review shall include a listing of those issues being reviewed.~~

~~i) The appropriate program staff will then perform a thorough review of the Level II Hearing Officer's decision, the grievant's case file and the record of proceedings of the Level II hearing, and make a recommendation to the Associate Director regarding a Level II decision which is thought to be:~~

~~A) in violation of constitutional, statutory, regulatory, or written policy;~~

~~B) in excess of the statutory authority of DHS-ORS;~~

~~C) affected by other error of law, regulation, or written policy;~~

~~D) not reasonably supported by the evidence; or~~

~~E) arbitrary, capricious, or characterized by abuse of or clearly unwarranted exercise of discretion.~~

~~2) If the Associate Director determines that a review is necessary, based on the recommendations made in subsection (a)(1) of this Section, the Notice shall be sent to the grievant, who shall be informed of the right to submit additional written evidence and arguments to the Associate Director. Such additional evidence and arguments must be received within 10 working days of receipt of the Notice. If the grievance pertains to the conduct of a customer of the adult residential training program for persons~~

~~with visual disabilities, such additional evidence and arguments must be received within 7 working days after receipt of the Notice.~~

~~b) The Associate Director's decision, citing the findings and grounds, must be mailed within 30 calendar days of the date of the Notice of Intent to Review. If the grievance pertains to the conduct of a customer of the adult residential training program for persons with visual disabilities, the Associate Director's decision, citing the findings and grounds, must be mailed within 12 calendar days after the Notice of Intent to Review. This decision must be sent by Certified Mail, return receipt requested, to the grievant.~~

~~c) The Associate Director may modify, reverse or uphold the Level II Hearing Officer's decision, except if the grievance pertains to the VR program, the Associate Director may not modify or overturn a decision or part of such a decision that supports the position of the grievant unless the Associate Director concludes, based on clear and convincing evidence, that the decision is clearly erroneous on the basis of being contrary to federal or State law, including policy. This decision is based upon review of the grievant's case file, the Level I decision, the Level II record, the Level II Hearing Officer's decision, and any additional evidence and arguments submitted by the grievant.~~

(Source: Amended at 23 Ill. Reg. 13195, effective NOV 15 1999)

Section 510.115 Associate Director's Decision for Hearings Regarding a Blind Vendor

a) For hearings related to the grievance of a blind vendor covered under Section 510.20(h), the Impartial Hearing Officer shall provide a recommended findings and decision to the Associate Director of DHS-ORS. The recommended findings and decision of the Impartial Hearing Officer shall be based upon the record of the hearing and shall set forth the principal issues and relevant facts adduced at the hearing, the applicable provision of law and regulation, and a recommended action. It shall also contain findings of fact and conclusions with respect to each of the issues and basis therefore.

b) Within 15 days after receipt of the recommended findings and decision, the Associate Director shall make a decision. The Associate Director's decision shall state the principal issues and relevant facts pertinent provisions of law, regulation and program procedures, the reasoning that led to the decision, and the vendor's right to appeal to the U.S. Department of Education per 34 CFR 395.13. A copy of the Impartial Hearing Officer's recommended findings and decision shall be attached to the Associate Director's letter. Copies of the final decision shall be sent to the vendor and his/her personal representative and to the Administrator, Vending Facility Program for the Blind.

(Source: Added at 23 Ill. Reg. 13195, effective NOV 15 1999)

Section 510.120 Exhaustion of Administrative Remedies

a) If the grievance pertains to the VR program, DHS-ORS administrative action becomes final:
 1) at any time when a mutually agreed upon resolution is reached between DHS-ORS and the grievant; or ~~20 working days from the date of the postmark on the Level I Hearing decision, if the customer does not request a Level II hearing;~~
 2) no more than 20 calendar working days after the date of the ~~Level II~~ hearing Hearing decision, ~~if no Associate Director's Review is performed; or~~
 ~~3) if an Associate Director's Review is held, upon the decision of the Director.~~

b) If the grievance pertains to the conduct of a customer at the adult residential training program for persons with visual disabilities, DHS-ORS administrative action becomes final:
 ~~1) 3 working days from the date of the postmark on the Level I hearing decision, if the customer has not requested a Level II hearing; or~~
 1) ~~2)~~ 7 working days after the date of the ~~Level II~~ hearing decision, if no Associate Director's Review is performed; or
 2) ~~3)~~ if an Associate Director's Review is performed, upon the decision of the Associate Director.

c) Any further appeal (other than by a vendor in the Vending Facilities Program for the Blind or by a grievant appealing sex equity or school records in DHS-ORS schools ~~under the Grant Funds Recovery Act~~) must be made to the courts by common law writ of certiorari. A vendor in the Vending Facilities Program for the Blind must first file an appeal with the U.S. Department of Education in accordance with the Randolph-Sheppard Act (20 USC ~~U.S.C.~~ 107 et seq.). A grievance based on ~~grievant~~ sex equity or school records must be filed with the State Board of Education ~~under the Grant Funds Recovery Act must file under the Administrative Review Law [735 ILCS 5/Art. III]~~.

(Source: Amended at 23 Ill. Reg. 13195, effective NOV 15 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs

2) Code Citation: 89 Ill. Adm. Code 553

3)

Section Numbers:	Adopted Action:
553.20	Amended
553.30	Amended
553.35	Amended
553.40	Amended
553.50	Amended
553.70	Amended
553.75	New
553.76	New
553.80	Repealed
553.90	Repealed
553.100	Amended
553.105	Repealed
553.110	Amended

4) Statutory Authority: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) Effective Date of Rulemaking: October 18, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 2, 1999, 23 Ill. Reg. 7389

10) Has JCAR Issued a Statement of Objections to this rulemaking? No

11) Differences between proposal and final version:

In Section 553.20, a new subsection (a) has been added that reads: "a) is an individual who has a disability as determined pursuant to Title II and Title XVI of the Social Security Act (42 USC 401 et seq. and 1381 et seq.) and wants to work and can benefit from VR services; or"

In the same Section, part of former subsection (a) has been changed to read "(b) is an individual:" The remainder of old (a) is now (1). The old (b) is now (2) and "who" has been added at the beginning of the phrase and

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"and" has been added after the semicolon. The old "(c)" is now "(3)" and "who" has been added at the beginning of the phrase and "or" has been deleted after the comma.

Section 553.20 (d) has been removed.

In Section 553.70, the comma has been deleted after "or".

In Section 553.100 (d), "information and" has been changed to "information in the DHS-ORS files and".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Amendments: This rulemaking revises this Part to make it consistent with the new federal amendments to the Rehabilitation Act. This rulemaking repeals the sections on "Extended Evaluation" and adds a section on the use of "Trial Work." The rulemaking also includes the new federal policy on the presumed eligibility for vocational rehabilitation services of person receiving SSI or SSDI benefits.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 553
ASSESSMENT FOR DETERMINING ELIGIBILITY AND REHABILITATION NEEDS

Section
553.10 General Applicability
553.20 Basis for the Determination of Eligibility
553.30 Presumption of Benefit from Vocational Rehabilitation Services
553.35 Services to Non-United States Citizens
553.40 Eligibility Determination Time Frames
553.50 Outcome of the Eligibility Determination
553.60 Documentation of Eligibility Factors/Preliminary Assessment
553.70 Certification of Eligibility
553.75 Trial Work
553.76 Outcome of Trial Work
553.80 Extended Evaluation (Repealed)
553.90 Outcome of Extended Evaluation (Repealed)
553.100 Assessment of Rehabilitation Needs
553.105 Assistance in Attaining Necessary Financial Support (Repealed)
553.110 Outcome of the ~~Comprehensive~~ Assessment of Rehabilitation Needs
553.120 Change in Eligibility Status
553.130 Order of Selection
553.140 Criteria for Significant ~~Severe~~ Disability and Most Significant ~~Severe~~ Disability
553.150 Determination of Serious Limitation to Functional Capacities

AUTHORITY: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: ~~Emergency rules adopted at 17 Ill. Reg. 11657, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20346, effective November 15, 1993; amended at 19 Ill. Reg. 1834, effective February 6, 1995; amended at 19 Ill. Reg. 10149, effective June 29, 1995; amended at 19 Ill. Reg. 15730, effective November 7, 1995; emergency amendment at 20 Ill. Reg. 10385, effective July 19, 1996, for a maximum of 150 days; emergency expired on December 15, 1996; emergency amendment at 20 Ill. Reg. 11974, effective August 16, 1996, for a maximum of 150 days; emergency expired on January 13, 1997; amended at 21 Ill. Reg. 1386, effective January 17, 1997; amended at 21 Ill. Reg. 2669, effective February 10, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1368, effective January 14, 1999; emergency amendment at 23 Ill. Reg. 6544, effective May 17, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12440, effective September 28, 1999; amended at 23 Ill. Reg. 13222, effective OCT 18 1999.~~

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Section 553.20 Basis for the Determination of Eligibility

An individual shall be determined to be eligible to receive services through the VR Program if he/she:

a) is an individual who has a disability as determined pursuant to Title II and Title XVI of the Social Security Act (42 USC 401 et seq. and 1381 et seq.) and wants to work and can benefit from VR services; or

b) ~~a~~ is an individual:

1) with a disability as defined in Section 6(20)(A) ~~Section 7(8)(A)~~ of the Rehabilitation Act of 1973 (29 USCA 705~~701~~ et seq.), as amended~~,~~ (Act). Pursuant to the Act, to be an individual with a disability, an individual must have a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment, and who can benefit from vocational rehabilitation services in terms of an employment outcome; and

2) ~~b~~ requires VR services to prepare for, ~~enter,--engage-in,-or~~ secure, retain or regain ~~gainful~~ employment; and

3) meets the priority for services established under the DHS-ORS Order of Selection in Section 553.130.

(Source: Amended at 23 Ill. Reg. 13222, effective OCT 18 1999)

Section 553.30 Presumption of Benefit from Vocational Rehabilitation Services

a) Any individual who is determined to be an individual with a disability shall be presumed to be able to benefit from VR services in terms of a successful employment outcome, unless DHS-ORS can demonstrate through clear and convincing evidence that the individual is incapable of benefitting from VR services in terms of a successful employment outcome.

b) Prior to the determination that the individual is incapable of benefitting from VR services because of the significance ~~severity~~ of the disability, he/she must undergo a period of trial work ~~Extended Evaluation per~~ pursuant to 89 Ill. Adm. Code 553.7500.

(Source: Amended at 23 Ill. Reg. 13222, effective OCT 18 1999)

Section 553.35 Services to Non-United States Citizens

~~a) DHS-ORS--will--not--provide-any-services-through-its-VR-Program-to-any individual-who-is-not-a-citizen-of-the-United-States-who-does-not-hold a--proper--visa--or--certification--from--the--U.S.--Immigration---and Naturalization-Services-(INS)-to-allow-him/her-to-be-employed.~~

b) DHS-ORS will provide services through its VR Program to an individual who is

not a citizen of the United States provided that:

a) ~~1)~~ the individual holds a proper visa or certification from the INS to allow him/her to be employed while in the United States;

b) ~~2)~~ all other eligibility criteria described in this Part are met; and

c) ~~3)~~ the individual is expected to remain in the United States for a period of not less than 90 days after the completion of services listed on the customer's IPE ~~his/her IWRP~~ (89 Ill. Adm. Code 572) and can be expected to be ~~gainfully~~ employed during this period.

(Source: Amended at 23 Ill. Reg. 13222, effective OCT 18 1999)

Section 553.40 Eligibility Determination Time Frames

After receiving a completed application for VR services, DHS-ORS shall make an eligibility determination and determine the individual's priority to receive services under the Order of Selection within a reasonable time period, not to exceed 60 calendar days from the date the individual applies for services unless:

a) DHS-ORS notifies the individual that exceptional and unforeseen circumstances beyond DHS-ORS control preclude DHS-ORS from completing a timely determination and the individual agrees to an extension; or

b) DHS-ORS determines, on the basis of the criteria set forth at 89 Ill. Adm. Code 553.30, that a period of trial work ~~extended evaluation~~ is necessary pursuant to 89 Ill. Adm. Code 553.75. ~~to document whether or not the individual can be expected to benefit from VR services in terms of an employment outcome or to identify employability for the customer.~~

(Source: Amended at 23 Ill. Reg. 13222, effective OCT 18 1999)

Section 553.50 Outcome of the Eligibility Determination

Prior to the end of the eligibility determination period (i.e., 60 days), one of the following must occur:

a) the customer has been determined to be eligible to receive VR services and has a disability which will allow services to be provided under the Order of Selection. The customer will then undergo an Assessment of Rehabilitation Needs pursuant to Section 553.100 of this Part;

b) the customer is determined eligible but not to have a disability which allows services to be provided under the Order of Selection. The customer will be offered the option to have his/her name placed on a waiting list to wait until services can be provided to the priority category established under the Order of Selection or to have his/her case closed;

c) a trial work period is determined to be necessary. A Certification of Trial Work shall be completed and the trial work shall begin;

~~c) an extended evaluation is determined necessary. A Certification of Extended Evaluation shall be completed and such an evaluation shall begin;~~

d) the customer, because of lack of a disability, is determined to be ineligible to receive services. A Certification of Ineligibility shall be completed and the individual's case closed;

e) the customer's case is closed for reasons other than ineligibility (e.g., the customer has refused services or further services from DHS-ORS, the customer cannot be located); or

f) the customer's case is closed as he/she is determined ineligible to receive services due to the fact he/she does not meet the required criteria (see 89 Ill. Adm. Code 553.20).

(Source: Amended at 23 Ill. Reg. 13222, effective OCT 18 1999)

Section 553.70 Certification of Eligibility

At any time during the eligibility determination process, but no later than 60 days from the date of a ~~an~~ customer's ~~individual's~~ application for services, except as provided in Section 553.40 of this Part, a Certification of Eligibility, pursuant to ~~per~~ 89 Ill. Adm. Code 553.40, shall be completed unless an agreement to extend the eligibility period is signed by the customer and the counselor or a period of trial work (89 Ill. Adm. Code 553.75) ~~extenuating circumstances exist and is agreed upon by the individual or a period of extended evaluation (89 Ill. Adm. Code 553.80)~~ is determined to be necessary.

The Certification of Eligibility shall document ~~the basis on which the customer was determined to be eligible, including identification of~~ the customer's ~~individual's~~ disability~~,~~ and ~~description of~~ the customer's ~~individual's~~ need for VR services to reach an employment outcome.~~, indication of the priority category to which the individual has been assigned under the Order of Selection and an outline of the services that are expected to be necessary to determine the individual's service needs during the Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100);~~

(Source: Amended at 23 Ill. Reg. 13222, effective OCT 18 1999)

Section 553.75 Trial Work

a) If it is likely, based on initial documentation, that an individual's disability is too significant for that individual to benefit from VR services, in terms of an employment outcome, the individual must undergo a period of trial work. DHS/ORS may not deny the individual access to services unless DHS/ORS can prove through clear and convincing evidence that the individual is incapable of benefiting from VR services and unable to achieve a successful employment

outcome.

b) Trial work is the exploration of a customer's abilities, capabilities and capacity to perform in work situations with at least 2 work opportunities over a mutually agreed period of time. Trial work opportunities may consist of work experiences and training. The customer's inability to take advantage of such opportunities shall be clear and convincing evidence that the customer cannot benefit in terms of employment outcomes, due to the significance of the customer's disabilities.

(Source: Added at 23 Ill. Reg. 13222, effective OCT 18 1999)

Section 553.76 Outcome of Trial Work

If trial work was being used to determine if an individual's disability was too significant to benefit from VR services in terms of an employment outcome, and:

a) DHS-ORS, is unable to demonstrate through clear and convincing evidence that the individual cannot benefit, he/she shall be presumed to be able to benefit from services (89 Ill. Adm. Code 553.30) and shall be certified as eligible to receive VR services; or

b) clear and convincing evidence is in the case file documenting the individual is not capable of benefitting from VR services, a Certification of Ineligibility shall be completed that includes a summary and rationale for the determination based on the information gathered during the trial work.

(Source: Added at 23 Ill. Reg. 13222, effective OCT 18 1999)

Section 553.80 Extended Evaluation (Repealed)

~~a) A Certification of Extended Evaluation shall be completed and such an evaluation shall commence if determination of an appropriate employment goal cannot be completed. The Certification of Extended Evaluation shall identify why a determination of eligibility could not be completed during the 60 calendar day eligibility determination period. The IWRP shall specifically outline the services that are to be provided during extended evaluation to determine the individual's eligibility or ineligibility.~~

~~b) If it is determined, based on initial documentation, that an individual's disability is too severe for him/her to benefit from VR services, in terms of an employment outcome, he/she must undergo a period of extended evaluation. DHS-ORS may not deny the individual access to VR services, unless DHS-ORS can prove through clear and convincing evidence that the individual is incapable of benefiting from VR services in terms of a successful employment outcome.~~

~~c) The period of extended evaluation shall not exceed 18 months~~

~~calculated from the date of the Certification of Extended Evaluation and shall be reviewed at least every 90 days.~~

(Source: Repealed at 23 Ill. Reg. 13222, effective OCT 18 1999)

Section 553.90 Outcome of Extended Evaluation (Repealed)

~~a) If, after a period of extended evaluation, the customer is determined eligible, a Certification of Eligibility shall be prepared and the customer shall begin an Assessment of Rehabilitation Needs (see 89 Ill. Adm. Code 553.100).~~

~~b) If, after a period of extended evaluation, the customer is determined to be ineligible, a Certification of Ineligibility shall be completed and preparations made to close the customer's case.~~

~~c) If extended evaluation was being used to determine if an individual's disability was too severe to benefit from VR services in terms of an employment outcome, and:~~

~~1) DHS-ORS is unable to demonstrate through clear and convincing evidence that the individual cannot benefit, he/she shall be presumed to be able to benefit from services (89 Ill. Adm. Code 553.30) and shall be certified as eligible to receive VR services; or~~

~~2) Clear and convincing evidence is in the case file documenting the individual is not capable of benefiting from VR services, a Certification of Ineligibility shall be completed, which includes a summary and rationale for the determination based on the information gathered during the period of extended evaluation.~~

(Source: Repealed at 23 Ill. Reg. 13222, effective OCT 18 1999)

Section 553.100 Assessment of Rehabilitation Needs

a) If a customer is determined eligible to receive VR services (89 Ill. Adm. Code 553.50(a)), the Assessment of Rehabilitation Needs Summary (Assessment) shall be completed.

b) A major component of the Assessment shall be the determination of the employment outcome ~~goal~~. The choice of the employment outcome ~~goal~~ shall involve the customer and take the customer's ~~his/her~~ interests into consideration, as well as career counseling provided to and with the customer by the counselor regarding labor market trends and training requirements. The employment outcome should be consistent with the customer's unique strengths, priorities, concerns, abilities, capabilities, career interests and informed choice. The employment outcome ~~goal~~ chosen by the customer should be supported by the counselor unless the Assessment clearly contraindicates the customer's choice.

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c) The purpose of the Assessment is to determine ~~the long-term vocational goal, intermediate rehabilitation objectives, and nature and~~ the ~~scope of~~ vocational rehabilitation services ~~to be included in the customer's IWRP, which must be designed~~ needed to achieve the ~~an~~ employment outcome. ~~that is consistent with the customer's unique strengths, priorities, concerns, abilities, capabilities, career interests and informed choice.~~

d) The scope of the Assessment shall be limited to that which is necessary to identify the rehabilitation services needed by ~~needs of~~ the customer ~~individual~~ and to develop the customer's Individualized Plan for Employment (IPE) ~~Written Rehabilitation Program (IWRP)~~ (89 Ill. Adm. Code 572) ~~for the individual~~. To the maximum extent possible, the information used shall be existing information in the DHS-ORS files and information available from the customer ~~individual~~ and, where appropriate, from the customer's ~~individual's~~ family.

(Source: Amended at 23 Ill. Reg. 13222, effective OCT 18 1999)

Section 553.105 Assistance in Attaining Necessary Financial Support (Repealed)

~~At the conclusion of the Assessment, after the determination of a suitable vocational goal, if the customer cannot be expected to be able to attain a successful employment outcome due to lack of financial resources and there are benefits for which the customer can be expected to be eligible, the rehabilitation counselor/instructor must assist the customer in making application for such benefits.~~

(Source: Repealed at 23 Ill. Reg. 13222, effective OCT 18 1999)

Section 553.110 Outcome of the ~~Comprehensive~~ Assessment of Rehabilitation Needs

~~a)~~ The Assessment Summary shall be completed by the counselor and filed in the case file when ~~When~~ it is determined by the counselor that enough information has been gathered during the Assessment to adequately determine and plan the VR services necessary to ensure the individual a successful employment outcome. ~~in the area of his/her chosen employment goal, an Assessment Summary shall be completed by the counselor as part of the chronological record.~~ The Assessment Summary shall reflect ~~identify, in detail, the specific impairments the individual has in obtaining his/her vocational goal, documentation of career counseling, consideration of~~ the customer's ~~individual's~~ unique strengths, resources, priorities, and interests needed to identify the nature and scope of services and the specific services that are expected to be necessary to assist the customer in achieving an ~~his/her~~ employment outcome.

~~b) The Assessment Summary must also include a statement addressing the severity of the individual's disability(ies) and addressing the individual's eligibility based on the Order of Selection (pursuant to Section 553.140).~~

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(Source: Amended at 23 Ill. Reg. 13222, effective OCT 18 1999)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Hospice Programs

2) Code Citation: 77 Ill. Adm. Code 280

3) Section Numbers: Adopted Action:

280.1000	Amendment
280.1020	Amendment
280.2000	Amendment
280.2010	Amendment
280.2030	Amendment
280.4010	Amendment
280.4015	New Section

4) Statutory Authority: Hospice Program Licensing Act [210 ILCS 60]

5) Effective date of amendment: October 20, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain any incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) Notice of Proposal was Published in Illinois Register: June 4, 1999 - 23 Ill. Reg. 6746

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Difference between proposal and final version: The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 280.4015(a), "Beginning on June 1, 1999, applications" was deleted and "Applications" was inserted before "received".

2. In Section 280.4015(c), "A minimum of 40 points is required for an applicant to" was deleted and "To" was inserted before "be".

3. In Section 280.4015(c), ", an applicant shall meet the following criteria:" was inserted after "certificate".

4. In Section 280.4015(c), "Review points will be awarded as follows:" was deleted.

5. In subsections 280.4015(c)(1), (2), (3) and (4), "10 points" was deleted.

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The following changes were made in response to comments and suggestions of the JCAR:

1. In Section 280.1000, in the definition of "Hospice Residence", the following was added: "*The number of licensed hospice residences shall not exceed 12*. Section 9-(c-9) of the Act)".

2. In Section 280.1000, in the definition of "Multiple Hospice Location", "non-residential nursing, social, pastoral/counseling, bereavement or dietary" was added after "provides"; "program" was added after "hospice".

3. In Section 280.1000, in the definition of "Multiple Hospice Location", the following was added: "Multiple hospice locations are not hospice residences and shall not provide inpatient care. *Should inpatient care be required it shall be provided in a hospital, skilled nursing facility* or a hospice residence. (Section 3(d) of the Act)".

4. In Section 280.4010(d), "minimum number of review points required" was changed to "requirements".

5. In Section 280.4010(d), "280.1415" was changed to "280.4015".

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? Yes

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of the amendment:

In Section 280.1000 ("Definitions"), a definition of "Multiple hospice location" has been added. A multiple hospice location is a site from which the hospice program provides non-residential nursing, social, pastoral/counseling, bereavement or dietary services within a portion of the total geographic area that the program serves. Multiple hospice locations are not hospice residences and do not provide inpatient care.

In Section 280.1020 ("Licensure Procedures"), the term "Work stations" has been replaced with "multiple hospice locations."

In Section 280.2000 ("Hospice Services Plan"), subsection (h) has been revised to require the description of the program's recordkeeping system

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to include multiple hospice locations.

In Section 280.2010, requirements governing multiple hospice locations have been added. A multiple hospice location may not offer services that are different from those offered by the licensed hospice program. Activities and patient care are to be integrated into the licensed hospice program. A multiple hospice location that is found to be operating in a semi-autonomous manner will be required to be independently licensed.

Section 280.2030 ("Policies and Procedures") has been amended to include a cross-reference.

In Section 280.4010 ("Licensure of Hospice Residences"), license application requirements have been amended to include requirements for a needs assessment and cost analysis and documentation of approval by the Governing Body of the applying licensed hospice program to proceed with the application, as well as a commitment to expend the necessary funds and assignment of the responsibility for moving forward with the application/implementation. The Department will award "license certificates," valid for one year, to applicants that meet the requirements of Section 280.4015, in specified geographic areas and in the order in which applications are received. License certificates may be renewed and must be converted to a full license by the end of the second year.

A new Section 280.4015 is being added ("Hospice Residence Application and Approval Review Criteria"). Applications received will be deemed complete by the Department and may not be amended or supplemented. Eligibility for a license certificate will be based on completeness of the application; documentation of a completed needs assessment and cost analysis; documentation of approval of the hospice's Governing Body; and whether the proposed residence meets the statutory definition.

16) Information and questions regarding this adopted amendment shall be directed to:

Paul Thompson
Division of Legal Services
Department of Public
Health, 535 West Jefferson,
Fifth Floor, Springfield, Illinois 62761
217/782-2043
(rules@idph.state.Il.us).

The full text of the adopted amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 280
HOSPICE PROGRAMS

SUBPART A: LICENSURE

Section
280.1000 Definitions
280.1010 Incorporated and Referenced Materials
280.1020 Licensure Procedures
280.1030 Statement of Ownership
280.1040 Inspections and Investigations
280.1050 Notice of Violation and Plan of Correction
280.1060 Adverse Licensure Actions

SUBPART B: HOSPICE SERVICES

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280.2020 Administrator
280.2030 Policies and Procedures
280.2040 Personnel Policies
280.2045 Initial Health Evaluation for Employees
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280.2080 Hospice Program Care
280.2090 Quality Assurance Plan/Utilization Review
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SUBPART C: INPATIENT CARE

Section
280.4000 Inpatient Care Facilities
280.4010 Licensure of Hospice Residences
280.4015 Hospice Residence Application and Approval Review Criteria
280.4020 Hospice Residence Admission and Discharge
280.4030 Hospice Residence Nursing Care and Assistance in Activities of Daily Living
280.4040 Hospice Residence Operational Requirements

AUTHORITY: Implementing and authorized by the Hospice Program Licensing Act [210 ILCS 60].

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SOURCE: Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 14 Ill. Reg. 2382, effective February 15, 1990; amended at 15 Ill. Reg. 5376, effective May 1, 1991; amended at 18 Ill. Reg. 2414, effective January 22, 1994; emergency amendments at 20 Ill. Reg. 467, effective January 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10003, effective July 15, 1996; Part repealed and new Part adopted at 22 Ill. Reg. 10625, effective June 1, 1998; emergency amendment at 23 Ill. Reg. 6913, effective June 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13232, effective OCT 20 1999.

SUBPART A: LICENSURE

Section 280.1000 Definitions

Act - the Hospice Program Licensing Act [210 ILCS 60].

Bereavement - the period of time during which the hospice patient's family experiences and adjusts to the death of the hospice patient. (Section 3(a) of the Act)

Counselor - a person who has earned at a minimum a bachelor's degree in counseling, psychology, or social work from an accredited college or university and who has one year of counseling experience in a health care setting; or a religious professional (clergy, religious or theologically trained lay person) who has a combination of documented formal training in pastoral counseling and supervised counseling experience in a health care or clinical setting. The total of academic and supervised work experience must equal at least five years. Any person employed as a "counselor" in an Illinois Licensed Hospice Program prior to September 1, 1985 may continue to serve in that capacity at that agency only, even though he or she may not meet the qualifications for "counselor" as set forth in this Part.

Department - the Illinois Department of Public Health. (Section 3(b) of the Act)

Director - the Director of the Illinois Department of Public Health or designee. (Section 3(c) of the Act)

Full Hospice - a coordinated program of home and inpatient care

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providing directly, or through agreement, palliative and supportive medical, health and other services to terminally ill patients and their families. (Section 3(d) of the Act) In this Part, the use of the phrase "full hospice" applies only to full hospice programs. The use of "volunteer hospice" applies only to volunteer hospice programs. The use of "hospice" or "hospice programs" applies to both full hospice programs and volunteer hospice programs.

Geographic Service Areas - the counties, cities, census track, etc., that the hospice identifies in the license application as required in Section 280.1020(b)(11) of this Part.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a hospice program and establishes policies concerning its operation and the welfare of the individuals it serves.

Home Health Agency - an agency licensed under the Home Health Licensing Act [210 ILCS 55].

Hospice Aide - a person who provides assistance with meals, dressing, movement, bathing or other personal needs or maintenance. Hospice aides must meet the requirements for Home Health Aides in 77 Ill. Adm. Code 245.70 and 245.72 or Nursing Assistants in 77 Ill. Adm. Code 300.660 and 300.661.

Hospice Care Team - an interdisciplinary working unit composed of but not limited to a physician, a nurse, a social worker, a pastoral or other counselor, and trained volunteers. (Section 3(e) of the Act)

Hospice Patient - a terminally ill person receiving hospice services. (Section 3(f) of the Act)

Hospice Patient's Family - a hospice patient's immediate family consisting of a spouse, sibling, child, parent, significant other *and those individuals designated as such by the patient for the purposes of the Act.* (Section 3(g) of the Act)

Hospice Residence - a home, apartment building, or similar building providing living quarters:

that is owned or operated by a person licensed to operate as a full hospice; and

at which hospice services are provided to facility residents.

A building that is licensed under the Hospital Licensing Act or the Nursing Home Care Act is not a hospice residence. (Section 3(g-1) of

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the Act)

The number of licensed hospice residences shall not exceed 12. (Section 9(c-9) of the Act)

Hospice Service Plan - a plan detailing the specific hospice services offered by a full or volunteer hospice, and the administrative and direct care personnel responsible for those services. The plan shall include but not be limited to those items specified in Section 280.2000 of this Part. (Section 3(j) of the Act)

Hospice Services - palliative and supportive care provided to a hospice patient and his or her *family to meet the special need arising out of the physical, emotional, spiritual and social stresses which are experienced during the final stages of illness and during dying and bereavement.* (Section 3(h) of the Act)

Hospital - a location licensed under the Hospital Licensing Act [210 ILCS 85].

Long-Term Care Facility - a location licensed under the Nursing Home Care Act [210 ILCS 45].

Multiple Hospice Location - a location or site from which the hospice program provides non-residential nursing, social, pastoral/counseling, bereavement or dietary services within a portion of the total geographic area served by the hospice program. The multiple hospice program location is part of the hospice and is located sufficiently close to share administration, supervision and services in a manner that renders it unnecessary for the multiple hospice location to independently require a hospice license. Multiple hospice locations are not hospice residences and shall not provide inpatient care. *Should inpatient care be required it shall be provided in a hopital, skilled nursing facility* or a hospice residence. (Section 3(d) of the Act)

Not-for-Profit Agency - any hospice program that is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under the General Not For Profit Corporation Act of 1986 [805 ILCS 105]; or, by a county pursuant to Division 5-22 of the Counties Code [55 ILCS 5]; or, pursuant to a trust or endowment established for nonprofit, charitable purposes.

Nurse - a registered nurse or a licensed practical nurse as defined in the ~~Illinois~~ Nursing and Advanced Practice Nursing Act ~~of--1987~~ [225 ILCS 65].

Palliative Care - treatment to provide for the reduction or abatement

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of pain and other troubling symptoms, rather than treatment aimed at investigation and intervention for the purpose of cure or inappropriate prolongation of life. (Section 3(i) of the Act)

Patient's Representative - an individual who has been authorized under the Health Care Surrogate Act [755 ILCS 40] to terminate medical care or to elect or revoke the election of hospice care on behalf of a terminally ill individual who is mentally or physically incapacitated. This may include a legal guardian.

Physician - any person licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987 [225 ILCS 60].

Research or Experimental Programs - use of patients receiving services in the systematic study, observation, or evaluation of factors related to the prevention, assessment, treatment, and understanding of an illness. This involves all behavioral and medical experimental research that involves human beings as experimental subjects.

Significant Others - friends and associates who provide physical, emotional, spiritual or financial support to the patient.

Social Worker - a person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] and has one year of social work experience in a health care setting. An exception to the one-year experience requirement may be allowed upon approval by the Department of Public Health. The Department's decision to grant an exception will be based on, but not be limited to, the hospice's efforts to employ a social worker who meets this requirement.

Staff - paid employees of a hospice, individuals working under contractual agreements, and volunteers.

Terminally Ill - a medical prognosis by a physician that a patient has an anticipated life expectancy of 6 months or less. (Section 3(k) of the Act)

Volunteer - a person who offers his or her services to a hospice without compensation. Reimbursement for a volunteer's expenses in providing hospice service shall not be considered compensation. (Section 3(l) of the Act)

Volunteer Hospice - a program which provides hospice services to patients regardless of their ability to pay, with emphasis on the utilization of volunteers to provide services, under the administration of a not-for-profit agency. This does not prohibit the

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employment of staff. (Section 3(m) of the Act) In this Part, the use of the phrase "full hospice" applies only to full hospice programs. The use of "volunteer hospice" applies only to volunteer hospice programs. The use of "hospice" or "hospice programs" applies to both full hospice programs and volunteer hospice programs.

Workstation - an office provided for an employee's convenience and not identified in advertising or used for providing hospice services.

(Source: Amended at 23 Ill. Reg. 13232, effective OCT 20 1999)

Section 280.1020 Licensure Procedures

a) The Department shall issue a hospice license only to a licensed *home health agency, hospital, nursing home* (long-term care facility) *or not-for-profit agency*. (Section 4(c) of the Act)

b) *An application for* an initial *license* or a *renewal* license *to operate as a full or volunteer hospice shall be* in writing on *forms provided by* the Department. (Section 5 of the Act) The application shall be made under oath and shall contain the following information:
 1) The name, address, and telephone number of the hospice program location.
 2) The type of hospice, i.e., volunteer or full hospice. If the program is a volunteer hospice, a listing of provided services.
 3) If multiple hospice locations ~~workstations~~ are used, the address and phone number of the central office and the address and phone number of each multiple hospice location ~~workstation~~.
 4) If the hospice program is not a not-for-profit agency, the type of primary license, i.e., hospital, long-term care facility, or home health agency, held by the full hospice.
 5) A statement of ownership in accordance with Section 280.1030 of this Part.
 6) The name and address of the registered agent or other individual authorized to receive Service of Process for the hospice program.
 7) The name of the person under whose management or supervision the facility will be operated.
 8) A listing of professional staff including their name, title, license or registration number, whether they are full or part time, and whether they are paid or volunteer employees.
 9) Number of volunteers and (approximate) total combined volunteer hours of care and service per week.
 10) Source of income.
 11) A designation of the proposed geographic area to be served by the hospice.
 12) Hospice census report for the fiscal year (for renewals only).
 13) A listing of outside contractors.
 14) A copy of the annual hospice service plan.

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 15) A copy of the current annual budget and financial audit for the current fiscal year.
 16) If the central office is used by patients and the public, a certification from the local fire authority or State Fire Marshal that the location meets fire and safety ordinances and laws.

c) An application for licensure as a full hospice shall be accompanied by a fee of $100. An application for a volunteer hospice shall be accompanied by a fee of $25.

d) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.

e) If the hospice program is found to be in substantial compliance with the Act and this Part, the Department shall issue a license for a period of one year.
 1) The license shall not be transferable; it is issued to the licensee and for the specific location; and
 2) The license shall become automatically void and shall be returned to the Department if a full hospice's hospital, long-term care facility or home health agency license is revoked, nonrenewed, relinquished, denied, forfeited or suspended.

f) An application for license renewal shall be filed with the Department 60 days prior to the expiration of the license, on forms provided by the Department.
 1) The renewal application shall comply with the requirements of subsections (a), (b)(1)-(7) and (11), and (c) of this Section.
 2) Pursuant to Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65], licensees who are individuals are subject to denial of renewal of licensure if the individual is more than 30 days delinquent in complying with a child support order.
 3) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey. The Department's decision to conduct a survey will be based on, but not be limited to, compliance history, changes in key personnel, complaints and the length of time since the last survey. The Department shall renew the license in accordance with subsection (e) of this Section.

g) The licensee shall report changes in the information on the application to the Department within ten days after the change. The following changes need not be reported: number of volunteers and total hours; sources of income for the fiscal year; hospice census report numbers; staff changes for other than program supervisors.

h) *The* hospice program *license shall be displayed in a conspicuous place inside the hospice program office*. (Section 4(e) of the Act)

i) The license shall be valid only for the hospice program, persons and location named in the application and shall not be assignable. This subsection does not prohibit the use of workstations throughout the geographic service areas.

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(Source: Amended at 23 Ill. Reg. 13232, effective OCT 20 1999)

SUBPART B: HOSPICE SERVICES

Section 280.2000 Hospice Service Plan

Each hospice program shall develop an annual hospice service plan detailing the specific hospice services offered, and the administrative and direct care personnel responsible for those services. The hospice service plan shall include but not be limited to:

a) *Identification of the person or persons administratively responsible for the program, and the affiliation, if any, of such person or persons with a licensed home health agency, hospital or nursing home.*
b) *The estimated average monthly patient census.*
c) *The proposed geographic area the hospice will serve.*
d) *A listing of those hospice services provided directly by the hospice, and those hospice services provided indirectly through a contractual agreement.*
e) *The names and qualifications of those persons or entities under contract to provide indirect hospice services.*
f) *The name and qualifications of those persons providing direct hospice services, with the exception of volunteers.*
g) *A description of how the hospice plans to utilize volunteers in the provision of hospice services.*
h) *A description of the program's* clinical *record-keeping system* for the licensed hospice program location and any multiple hospice locations. (Section 3(j) of the Act)

(Source: Amended at 23 Ill. Reg. 13232, effective OCT 20 1999)

Section 280.2010 Hospice Services

a) The hospice care team will be responsible for ensuring that all services are provided in accordance with the patient care plan. Services will be provided directly by the hospice or through written contracts with other providers.
b) Each volunteer hospice shall provide at least Nursing Services or Social Services and one of the other hospice services defined in subsection (c) of this Section. Each volunteer hospice shall make available a list of referrals for other care services not provided directly or by arrangement by the hospice program. The volunteer hospice shall educate these service providers on hospice philosophy.
c) Each full hospice shall provide all of the following hospice services:
 1) Nursing Services - Nursing services are responsible for developing and implementing the diagnostic, therapeutic, and rehabilitative plan as prescribed by the patient's physician. The nursing staff shall provide care in the patient's private home environment, whether his own home or the home of family or friends; observe symptoms and reactions; and meet the nursing care needs of the terminally ill. A registered nurse must perform the home care assessment. Nursing services must be provided under the supervision of a registered nurse.
 2) Social Services - Social services shall be made available to the patient/family. An evaluation of the social needs, such as environment, religious background, financial needs, psychosocial needs, family, special activities, and psychological needs shall be conducted. Social services shall be delivered by a social worker.
 3) Pastoral/Counseling Services - The hospice program shall provide, at a minimum, one pastoral care person or other counselor. Pastoral/counseling services shall be made available to the patient and family. The patient's religious beliefs and practices shall be accommodated either by the hospice or with an outside source. *The hospice program shall not impose the dictates of any value or belief system on its patients.* (Section 8(g) of the Act)
 4) Bereavement Services and Counseling - Each hospice shall provide bereavement counseling and services to the families of hospice patients to the extent desired by the family. Bereavement services shall be coordinated with the family's clergy, if any, as well as with other community resources judged by the hospice care team to be useful to the family.
 5) Dietary Services - The hospice program shall perform a dietary evaluation of the patient. This evaluation must be reviewed by the hospice care team. Consultation by a dietitian shall be available to the patient as determined necessary by the hospice care team.
d) Intake for hospice services shall be with the licensed hospice program location and not be done independently by multiple hospice locations.
e) A multiple hospice location, as an extension of the full hospice program, may not offer services that are different from those offered by the licensed hospice program. The activities and patient care shall be integrated into the program of the fully licensed hospice, including medical and interdisciplinary team review.
f) A multiple hospice location found to be operating semi-autonomously from the licensed hospice program shall be required to be independently licensed.

(Source: Amended at 23 Ill. Reg. 13232, effective OCT 20 1999)

Section 280.2030 Policies and Procedures

The hospice shall have written policies and procedures governing all services

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provided by the hospice, which shall be formulated with the involvement of the administrator and representatives of the governing body. The policies shall be available to the staff, patients, patients' families and the public. These written policies shall be followed in operating the hospice and shall be reviewed annually and revised as necessary. These policies shall include a written statement:

a) of philosophy, objectives and goals the hospice is striving to achieve;

b) of the hospice services provided and the type of hospice license required;

c) of the relationship of the hospice to the families of its patients;

d) concerning admission, transfer, and discharge of patients (see Section 280.2010(d));

e) concerning community participation and input, if any; and

f) concerning the planning, evaluation and quality assurance process.

(Source: Amended at 23 Ill. Reg. 13232, effective OCT 20 1999)

SUBPART C: INPATIENT CARE

Section 280.4010 Licensure of Hospice Residences

a) *The number of licensed hospice residences shall not exceed 12.* (Section 9(c)(9) of the Act)

b) An applicant shall submit a hospice residence license certificate ~~licensure~~ application on forms provided by the Department. The application shall be made under oath and shall contain the following information:

1) All information required by Section 280.1020(b)(1)-(16) of this Part;

~~2) For buildings owned by the full hospice, the name, address, telephone number, occupation, and the percent of direct or indirect financial interest of any person having a direct or indirect interest of five percent or more in the legal entity that owns the building, or proposed building. For leased buildings, the name, address, and telephone number, and~~

2) ~~3)~~ Proposed staffing;

3) ~~4)~~ Documentation of a needs assessment and cost analysis of the establishment, licensing and maintenance of the proposed facility; and

4) Documentation of approval by the Governing Body of the applying licensed hospice program to proceed with application; commitment to expend necessary funds for application and completion of the project; and assignment of responsibility for moving forward with the application/implementation.

c) An application for licensure as a hospice residence shall be accompanied by a fee of $500.

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d) Upon receipt and review of a complete application for licensure, the Department shall award license certificates to applicants who meet the requirments in Section 280.4015 of this Part, ~~conduct an inspection to determine compliance with the Act and this Part, e) licenses will be issued to applicants~~ in the following geographic areas, in the order in which completed applications are received by the Department:

1) Four hospice residences located in counties with a population of 700,000 or more;

2) Four hospice residences located in counties with a population of 200,000 or less than 700,000; and

3) Four hospice residences located in counties with a population of less than 200,000.

e) A license certificate shall be valid for one year from the date of issuance and may be renewed by the Department for an additional year, for a total of two years. Renewal of the license certificate for a second year will be based on, but not limited to, submittal of the following information:

1) Documentation of the obligation of funds for the applicant residence project by the hospice residence organization;

2) Letting of contracts for construction, purchase or renovation of physical space to be licensed as a hospice residence;

3) Architectural or construction certifications as to the percentage of completion of the hospice residence project; and

4) For buildings owned by the full hospice, the name, address, telephone number, occupation and percentage of direct or indirect financial interest of five percent or more in the legal entity that owns the building or proposed building; for leased buildings, the name, address and telephone numbers.

f) By the end of the second year, any license certificate not converted to a full license shall be null and void.

g) The Department shall issue available license certificates to the next complete, geographically appropriate applicant, in the order received by the Department.

h) Upon receipt of the completed application and notification by the hospice residence applicant that the facility is complete and ready for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.

i) ~~f)~~ If the hospice residence is found to be in substantial compliance with the Act and this Part, the Department shall issue a license that expires on the same date as the full or volunteer hospice program license.

1) The license shall not be transferable; it is issued to the licensee and for the specific location; and

2) The license shall become automatically void and shall be returned to the Department if a hospice residence's full or volunteer license is revoked, nonrenewed, relinquished, denied, forfeited, or suspended.

j) ~~g)~~ An application for license renewal shall be filed with the Department

60 days prior to the expiration of the license, on forms provided by the Department.

1) The renewal application shall comply with the requirements of subsections (b) and (c) of this Section.
2) A letter from the Office of the State Fire Marshal shall accompany the application certifying that the hospice residence physical plant meets the provisions of Section 280.4060 of this Part.
3) Pursuant to Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65], licensees who are individuals are subject to denial of renewal of licensure if the individual is more than 30 days delinquent in complying with a child support order.
4) Upon receipt and review of a complete application for license renewal, the Department shall conduct a survey. The Department shall renew the license in accordance with subsection (if) of this Section.

(Source: Amended at 23 Ill. Reg. 13232, effective OCT 20 1999)

Section 280.4015 Hospice Residence Application and Approval Review Criteria

a) Applications received for a hospice residence license shall be deemed complete upon receipt by the Department. Due to the limited number of available licenses, applicants will not be allowed to amend the application or provide additional supporting documentation during the review process. The application as submitted to the Department shall serve as the basis for all standard and prioritization evaluation.
b) The Department will review applications and award license certificates to applicants as applications are received.
c) To be eligible for issuance of a license certificate, an applicant shall meet the following criteria:
 1) Proposed Residence Location/Facility
 The proposal shall be evaluated for compliance with the following definition: *"Hospice Residence" means a home, apartment building, or similar building providing living quarters:*
 A) *That is owned or operated by a person licensed to operate as a full hospice; and*
 B) *At which hospice services are provided to facility residents.*

 A building that is licensed under the Hospital Licensing Act or the Nursing Home Care Act is not a hospice residence. (Section 3(g-1) of the Act)
 2) Application Completeness
 All required information for application shall be contained in the application submission, including, but not limited to, appropriate signatures, attestations, oaths, dates and fees.

 3) Documentation of completed Needs Assessment and Cost Analysis
 The application shall document that an assessment of the need for the hospice residence services and an analysis of the costs involved in the establishment, licensing and maintenance of such a facility have been conducted and reviewed for the proposed application. The documentation submitted shall demonstrate the criteria used and results of the assessments.
 4) Documentation of approval for application by the applicant hospice's Governing Body
 The application shall document that the proposed residence application has been thoroughly reviewed, discussed and approved by the Governing Body of the licensed hospice program applying for the residence license. "Approval" is defined as an official motion by the Board to proceed with the application; commitment by the organization to expend the necessary funds for application and completion of the project; and assignment of responsibility for moving forward with the application and implementation of the project.

(Source: Added at 23 Ill. Reg. 13232, effective OCT 20 1999)

BOARD OF HIGHER EDUCATION

NOTICE OF EMERGENCY RULES

1) Heading of the Part: Graduation Incentive Grants

2) Code Citation: 23 Ill. Adm. Code 1002

3)

Section Numbers:	Emergency Action:
1002.10	New Section
1002.20	New Section
1002.30	New Section
1002.40	New Section
1002.50	New Section

4) Statutory Authority: Implementing and authorized by Section 9.05, 9.09 and 9.17 of the Board of Higher Education Act [110 ILCS 205/9.05, 9.09 and 9.17].

5) Effective Date of Rule: October 18, 1999

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: When proposed rule becomes effective.

7) Date Filed with the Index Department: October 18, 1999

8) A copy of the emergency rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: The agency received a fiscal year 2000 appropriation for this program which previously had not been funded. In order to provide for expedient payment of funds to eligible universities, emergency rules are being adopted at the same time that proposed rules are submitted for publication in the *Illinois Register*.

10) A Complete Description of the Subjects and Issues Involved: This Part provides for the administration of grants to public universities that offer their undergraduate students contracts under which the university commits itself to provide the courses, academic programs, and support services necessary to enable the contracting students to graduate with a baccalaureate degree within a designated time period.

11) Are there any proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objectives: This rule does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

13) Information and questions regarding this rule shall be directed to:

BOARD OF HIGHER EDUCATION

NOTICE OF EMERGENCY RULES

Carolyn Lorton, Associate Director
Board of Higher Education
431 East Adams Street, Second Floor
Springfield, Illinois 62701
217/557-7343
e-mail lorton@ibhe.state.il.us

The full text of the Emergency Rule begins on the next page.

BOARD OF HIGHER EDUCATION

NOTICE OF EMERGENCY RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1002
GRADUATION INCENTIVE GRANTS

Section
1002.10 Purpose
EMERGENCY
1002.20 Definitions
EMERGENCY
1002.30 Grant Eligibility and Grant Allocation
EMERGENCY
1002.40 Grant Application Requirements
EMERGENCY
1002.50 Verifications and Audit
EMERGENCY

AUTHORITY: Implementing and authorized by Section 9.27 of the Board of Higher Education Act [110 ILCS 205/9.27].

SOURCE: Emergency rulemaking adopted at ' Ill. Reg. 13248, effective OCT 18 1999 for a maximum of 150 days.

Section 1002.10 Purpose
EMERGENCY

This Part provides for the administration of *incentive grants to public universities that offer their undergraduate students contracts under which the university commits itself to provide the courses, academic programs, and support services necessary to enable the contracting students to graduate with a baccalaureate degree within* a designated time period. [110 ILCS 205/9.28(a)]

Section 1002.20 Definitions
EMERGENCY

"Board" means the Illinois Board of Higher Education.

"Contract" means a written agreement between a public university and an undergraduate student in *which the university commits itself to provide the courses, programs, and support services necessary to enable the student to graduate with a baccalaureate degree within* a designated time period. [110 ILCS 205/9.28(a)]

"Designated time period" means not more than four years for an incoming freshman and not more than two years for an incoming community college student.

BOARD OF HIGHER EDUCATION

NOTICE OF EMERGENCY RULES

"Eligible students" means students enrolled on the first day of the fourth full week of classes of the current fall term who have a valid contract with the university.

"Public university" means Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, the campuses of Southern Illinois University, the campuses of the University of Illinois, or Western Illinois University.

Section 1002.30 Grant Eligibility and Grant Allocation
EMERGENCY

a) *Public universities that offer their undergraduate students contracts under which the university commits itself to provide the courses, programs, and support services necessary to enable the contracting students to graduate with a baccalaureate degree within* a designated time period are eligible to apply for a grant. [110 ILCS 205/9.28(a)]
b) Grants will be allocated based on the appropriation and the total number of eligible students for all participating universities.

Section 1002.40 Grant Application Requirements
EMERGENCY

Grant application materials may be obtained from the Illinois Board of Higher Education, 431 East Adams Street, Second Floor, Springfield, Illinois 62701-1418. Applications should be submitted to the Graduation Incentive Grant Program, Illinois Board of Higher Education, at the same address. For State fiscal year 2000 grants, applications must be received at the Board by November 12, 1999. In subsequent years, applications must be received at the Board by the second Friday in October.

a) Grant applications shall contain, at a minimum:
 1) A copy of the contract of the applicant university;
 2) The number of eligible students;
 3) A listing of the specific requirements of the graduation contracts offered by the university;
 4) A listing of the support services provided by the university to the contracting students;
 5) The cost of administering the program for the previous fiscal year;
 6) The audit of the previous fiscal year grant as specified in Section 1002.50;
 7) Completion rates of previous students enrolled in the program; and
 8) The intended use of graduation incentive grant funds.
b) Reductions and Refunds

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1) A reduction will be made in the amount of an institution's grant when the enrollment audit from the previous fiscal year identifies an overpayment made for the previous fiscal year grant.
2) A refund to the State will be required of any institution that does not continue to participate in the program when the enrollment audit from the previous fiscal year identifies an overpayment made for the previous fiscal year grant or when no enrollment audit is submitted.
3) Underpayments of a previous fiscal year's grant revealed by an enrollment audit shall not be made to an institution in subsequent year grants.

Section 1002.50 Verifications and Audit
EMERGENCY

a) Recipients of $25,000 or less in grant funds may submit a statement signed by the chief executive officer of the recipient in lieu of an audit. That statement shall verify that the institution received the grant funds indicated, that the stated number of students on which the grant was based was enrolled and entered into a graduation contract agreement with the institution at the time specified, and that the recipient has complied with all requirements with respect to the grant.
b) Recipients of more than $25,000 shall contract with an external auditor who is registered as a public accountant by the Illinois Department of Professional Regulation. That auditor shall verify that the institution received the grant funds indicated, that the stated number of students on which the grant was based were enrolled and entered into a graduation contract agreement with the institution at the time specified, and that the recipient has complied with all requirements with respect to the grant. A copy of that audit shall be provided to the Board at the time of application for universities applying for subsequent grants or by the application due date for those universities not applying for subsequent grants.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill. Adm. Code 121

3)

Section Numbers:	Emergency Action:
121.60	Emergency Amendment
121.61	Emergency Amendment
121.64	Emergency Amendment

4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

5) Effective Date of Amendments: October 13, 1999

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed with the Index Department: October 13, 1999

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: The emergency rule is needed because the US Dept of Agriculture is requiring that effective 10-1-99 the new monthly income standards be used in determining eligibility for food stamp benefits. This information was received during the latter part of August. Failure to implement by October 1, 1999, would impact the welfare of food stamp clients.

10) A Complete Description of the Subject and Issues Involved: As required by Federal Regulations the Standards are revised annually to reflect the annual adjustment to the federal income poverty guidelines. Food Stamp applicants and recipients will receive an increase in benefits.

11) Are there any other amendments pending on this Part? No

12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate

13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

Springfield, Illinois 62762
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section
121.1 Application for Assistance
121.2 Time Limitations on the Disposition of an Application
121.3 Approval of an Application and Initial Authorization of Assistance
121.4 Denial of an Application
121.5 Client Cooperation
121.6 Emergency Assistance
121.7 Expedited Services
121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
121.18 Work Requirement
121.19 Ending a Voluntary Quit Disqualification
121.20 Citizenship
121.21 Residence
121.22 Social Security Numbers
121.23 Work Registration/Participation Requirements
121.24 Individuals Exempt From Work Registration Requirements
121.25 Failure to Comply
121.26 Period of Sanction
121.27 Voluntary Job Quit
121.28 Good Cause for Voluntary Job Quit
121.29 Exemptions from Voluntary Quit Rule

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
121.30 Unearned Income
121.31 Exempt Unearned Income
121.32 Education Benefits
121.33 Unearned Income In-Kind
121.34 Lump Sum Payments and Income Tax Refunds
121.40 Earned Income
121.41 Budgeting Earned Income
121.50 Exempt Earned Income
121.51 Income from Work/Study/Training Programs
121.52 Earned Income from Roomer and Boarder

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121.53 Income From Rental Property
121.54 Earned Income In-Kind
121.55 Sponsors of Aliens
121.57 Assets
121.58 Exempt Assets
121.59 Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section
121.60 Net Monthly Income Eligibility Standards
EMERGENCY
121.61 Gross Monthly Income Eligibility Standards
EMERGENCY
121.62 Income Which Must Be Annualized
121.63 Deductions From Monthly Income
121.64 Food Stamp Benefit Amount
EMERGENCY

SUBPART E: HOUSEHOLD CONCEPT

Section
121.70 Composition of the Assistance Unit
121.71 Living Arrangement
121.72 Nonhousehold Members
121.73 Ineligible Household Members
121.74 Strikers
121.75 Students
121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA - Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section
121.80 Fraud Disqualification (Renumbered)
121.81 Initiation of Administrative Fraud Hearing (Repealed)
121.82 Definition of Fraud (Renumbered)
121.83 Notification To Applicant Households (Renumbered)
121.84 Disqualification Upon Finding of Fraud (Renumbered)
121.85 Court Imposed Disqualification (Renumbered)
121.90 Monthly Reporting and Retrospective Budgeting
121.91 Monthly Reporting
121.92 Retrospective Budgeting
121.93 Issuance of Food Stamp Benefits
121.94 Replacement of the EBT Card or Food Stamp Benefits
121.95 Restoration of Lost Benefits
121.96 Uses For Food Coupons
121.97 Supplemental Payments

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121.98 Client Training for the Electronic Benefits Transfer (EBT) System
121.105 State Food Program (Repealed)
121.107 New State Food Program
121.120 Recertification of Eligibility
121.130 Residents of Shelters for Battered Women and their Children
121.131 Fleeing Felons and Probation/Parole Violators
121.135 Incorporation By Reference
121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
121.145 Quarterly Reporting

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section
121.150 Definition of Intentional Violations of the Program
121.151 Penalties for Intentional Violations of the Program
121.152 Notification To Applicant Households
121.153 Disqualification Upon Finding of Intentional Violation of the Program
121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section
121.160 Persons Required to Participate
121.162 Participation and Cooperation Requirements
121.164 Orientation
121.166 Assessment and Employability Plan
121.170 Job Search Component
121.172 Basic Education Component
121.174 Job Readiness Component
121.176 Work Experience Component
121.177 Illinois Works Component
121.178 Job Training Component
121.179 JTPA Employability Services Component
121.180 Grant Diversion Component (Repealed)
121.182 Earnfare Component
121.184 Sanctions
121.186 Good Cause for Failure to Cooperate
121.188 Supportive Services
121.190 Conciliation and Fair Hearings
121.200 Types of Claims (Recodified)
121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203 Collecting Claim Against Households (Recodified)
121.204 Failure to Respond to Initial Demand Letter (Recodified)
121.205 Methods of Repayment of Food Stamp Claims (Recodified)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

121.206 Determination of Monthly Allotment Reductions (Recodified)
121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208 Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section
121.220 Work Requirement Components
121.221 Meeting the Work Requirement with the Earnfare Component
121.222 Volunteer Community Work Component
121.223 Work Experience Component
121.224 Supportive Service Payments to Meet the Work Requirement
121.225 Meeting the Work Requirement with the Illinois Works Component
121.226 Meeting the Work Requirement with the JTPA Employability Services Component

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7

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NOTICE OF EMERGENCY AMENDMENT

Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859,

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effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

SUBPART D: ELIGIBILITY STANDARDS

Section 121.60 Net Monthly Income Eligibility Standards
EMERGENCY

a) Eligible households whose net monthly income does not exceed the maximum monthly income standards shall be assigned food stamp benefits based on the net monthly food stamp income.

b) The maximum net monthly income standards are:

Household Size	Amount
1	$ 687 ~~671~~
2	922 ~~905~~
3	1,157 ~~1,138~~
4	1,392 ~~1,371~~
5	1,627 ~~1,605~~
6	1,862 ~~1,838~~
7	2,097 ~~2,071~~
8	2,332 ~~2,305~~
Each additional member	+235 ~~+234~~

Derived from Office of Management and Budget non-farm, income poverty guidelines.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days)

Section 121.61 Gross Monthly Income Eligibility Standards
EMERGENCY

a) Gross Monthly Income Eligibility Standards

1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)(1990)). However, categorically eligible households and households containing a member who is elderly, blind or disabled will be exempt from this gross income check (see also 7 CFR 273.9(c) (1990)). To qualify for increased benefits, a household must contain a member who meets one of the following requirements:

A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month in which he or she becomes 60.

B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis).

C) A member receives Social Security disability or blindness

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benefits under Title II (RSDI) of the Social Security Act.

D) A member receives State Supplemental Payment (SSP) due to blindness or disability.

E) A veteran with a service-connected disability rated or paid as totally disabled by the Department of Veterans Affairs (VA).

F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.

G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the VA or a veteran's surviving child who is considered permanently incapable of self-support by the VA.

H) A veteran's surviving spouse or child entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death from the VA, if the spouse or child also has a disability considered permanent under Social Security requirements.

I) A member receives federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.

J) A member receives Railroad Retirement disability benefits.

K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.

L) A member receives disability-related medical assistance benefits (Categories 92, 93 and P3) under Title XIX (Medicaid) of the Social Security Act.

2) For those veterans, surviving spouses, or children mentioned in subsections (a)(1)(F) and (G) of this Section, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (a)(1)(E) of this Section, a verified statement, in writing, from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (a)(1)(H) of this Section, the individual must provide a statement from the Social Security Administration or from a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60], or a licensed or certified psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15] that the individual suffers from one of the disabilities listed in the preamble to Section 221(i) of the Social Security Act (42 USC 421(i)) or if the disability is obvious, by the observation of the caseworker (for example, permanent loss of use of both hands).

b)

Household Size	Gross Income
One Person	$ 893 ~~873~~
Two Persons	1,199 ~~1,176~~
Three Persons	1,504 ~~1,479~~
Four Persons	1,810 ~~1,783~~
Five Persons	2,115 ~~2,086~~
Six Persons	2,421 ~~2,389~~
Seven Persons	2,726 ~~2,693~~
Eight Persons	3,032 ~~2,996~~
Each Additional Member	+306 ~~+304~~

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days)

Section 121.64 Food Stamp Benefit Amount
EMERGENCY

a) The monthly food stamp benefit amount is determined by subtracting 30% of the adjusted net monthly income from the maximum monthly food stamp benefit amount.

b) Maximum Monthly Food Stamp Benefit Amount:

Household size	
1	$127 ~~125~~
2	$234 ~~230~~
3	$335 ~~329~~
4	$426 ~~419~~
5	$506 ~~497~~
6	$607 ~~597~~
7	$671 ~~659~~
8	$767 ~~754~~
Each Additional Member	+96 ~~+94~~

c) All one and two-person households will receive a minimum monthly food stamp benefit amount of $10.00

d) September Food Stamp Benefit Amount Adjustment
The annual revisions of maximum gross and net income standards, standard deduction, maximum excess shelter deduction and food stamp benefit amounts are effective October 1st of each year. Because the September fiscal month of certain households includes days which fall in the October calendar month, the portion of the September fiscal food stamp benefit amount covering October 1st and later must be increased to reflect the new standards.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

1) Heading of the Part: Organic Material Emission Standards and Limitations

2) Code Citation: 35 Ill. Adm. Code 215

3) Register citation of adopted rulemaking and other pertinent action: June 8, 1990, 14 Ill. Reg. 9173

4) Explanation:

The Pollution Control Board voted to adopt amendments to the Organic Material Emission Standards and Limitations rules in In the Matter of: RACT Deficiencies - Amendments to 35 Ill. Adm. Code Parts 211 and 215 (May 10, 1990), R89-16. The Board filed those amendments with the Office of the Secretary of State on May 23, 1990, when they became effective.

The Board has become aware of discrepancies between the text of the rules on file with the Office of the Secretary of State and the text of the rules maintained by the Joint Committee on Administrative Rules (JCAR) in the Legislative Information Service (LIS) database and published in certain *Illinois Register* notices. These discrepancies appear to be the result of JCAR's conversion of the Board's rules into the LIS database.

Board investigation of the discrepancies indicates that Section 215.181 was not included in JCAR's LIS database, and was reported in the source note as being repealed. Section 215.181 was not repealed by the Board in its rulemaking in R89-16, and is incorrectly indicated as being repealed at 14 Ill. Reg. 9173, effective May 23, 1990 in the LIS database.

For the convenience of the regulated public, the full text of 35 Ill. Adm. Code 215.181 as it appears on file with the Office of the Secretary of State is reprinted below.

Section 215.181 Solvent Cleaning in General

The requirements of Sections 215.182 through 215.184 shall not apply:

a) To sources whose emissions of volatile organic material do not exceed 6.8 kg (15 lbs) in any one day, nor 1.4 kg (3 lbs) in any one hour; or

b) To sources used exclusively for chemical or physical analysis or determination of product quality and commercial acceptance, provided that:

1) The operation of the sources is not an integral part of the production process;

2) The emissions from the source do not exceed 363 kg (800 lbs) in any calendar month; and,

3) The exemption is approved in writing by the Agency.

(Source: Amended at 3 Ill. Reg. 30, p. 124, effective July 28, 1979)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

1) Heading of the Part: Primary Drinking Water Standards

2) Code citation: 35 Ill. Adm. Code 611

3) Register citation of adopted rulemaking and other pertinent action: June 30, 1995, 19 Ill. Reg. 8613; November 8, 1996, 20 Ill. Reg. 14493

4) Explanation: The Pollution Control Board voted to adopt amendments to the Illinois Primary Drinking Water Standards rules in In the Matter of: Safe Drinking Water Act Update, Phase II, IIB & V Corrections and Analytical Methods Amendments (July 1, 1994, through December 31, 1994) (June 15,1995), R94-23 and in In the Matter of: Safe Drinking Water Act Update, USEPA Amendments (January 1, 1995, through June 30, 1995) (September 5, 1995), R95-17. The Board filed those amendments with the Office of the Secretary of State on June 20, 1995 and on October 22, 1996, respectively, when they became effective.

The Board has become aware of discrepancies between the text of the rules on file with the Office of the Secretary of State and the text of the rules maintained by the Joint Committee on Administrative Rules (JCAR) in the Legislative Information Service (LIS) database and published in certain *Illinois Register* notices. These discrepancies appear to be the result of JCAR's conversion of the Board's rules into the LIS database.

Board investigation of the discrepancies indicates that text was missing from the Notice of Adopted Amendments for 35 Ill. Adm. Code 611 that appeared at 19 Ill. Reg. 8613, but was present in the Notice of Adopted Amendments submitted by the Board to the Secretary of State on June 20, 1995 for *Illinois Register* publication. The text that is missing includes the Maximum Contaminant Level "MCL" for Fluoride found in Section 611.301(b). In Section 611.301(c), "CL[2]" is abbreviated incorrectly.

Board investigation of the discrepancies also indicates that text was missing from the Notice of Adopted Amendments for 35 Ill. Adm. Code 611 that appeared at 20 Ill. Reg. 14493, but was present in the Notice of Adopted Amendments submitted by the Board to the Secretary of State on October 22, 1996 for *Illinois Register* publication. The text that is missing included "See" and a comma in Section 611.301(b). In Section 611.301(c), "CL[2]" is abbreviated incorrectly, "CDDF" should read "DDF", and "u/L" should read "ug/L".

For the convenience of the regulated public, the full text of 35 Ill. Adm. Code 611.301 as it appears on file with the Office of the Secretary of State is reprinted below.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

Section 611.301 Revised MCLs for Inorganic Chemicals

a) This subsection corresponds with 40 CFR 141.62(a), reserved by USEPA. This statement maintains structural consistency with USEPA rules.

b) The MCLs in the following table apply to CWSs. Except for fluoride, the MCLs also apply to NTNCWSs. The MCLs for nitrate, nitrite, and total nitrate and nitrite also apply to transient non-CWSs.

Contaminant	MCL	Units
Antimony	0.006	mg/L
Asbestos	7	MFL
Barium	2	mg/L
Beryllium	0.004	mg/L
Cadmium	0.005	mg/L
Chromium	0.1	mg/L
Cyanide (as free CN)	0.2	mg/L
Fluoride	4.0	mg/L
Mercury	0.002	mg/L
Nitrate (as N)	10.	mg/L
Nitrite (as N)	1.	mg/L
Total Nitrate and Nitrite (as N)	10.	mg/L
Selenium	0.05	mg/L
Thallium	0.002	mg/L

BOARD NOTE: See Section 611.300(d) for an elevated nitrate level for non-CWSs. USEPA removed and reserved the MCL for nickel on June 29, 1995, at 60 Fed. Reg. 33932, as a result of a judicial order in Nickel Development Institute v. EPA, No. 92-1407, and Specialty Steel Industry of the U.S. v. Browner, No. 92-1410 (D.C. Cir. Feb. 23 & Mar. 6, 1995), while retaining the contaminant, analytical methodology, and detection limit listings for this contaminant.

c) USEPA has identified the following as BAT for achieving compliance with the MCL for the inorganic contaminants identified in subsection (b) above, except for fluoride:

Contaminant	BAT(s)
Antimony	C/F
	RO
Asbestos	C/F
	DDF
	CC

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

Barium	IX
	LIME
	RO
	ED
Beryllium	AA
	C/F
	IX
	LIME
	RO
Cadmium	C/F
	IX
	LIME
	RO
Chromium	C/F
	IX
	LIME, BAT for Cr(III) only
	RO
Cyanide	IX
	RO
	Cl[2]
Mercury	C/F, Bat only if influent Hg concentrations less than or equal to (≤) 10 ug/L
	GAC
	LIME, BAT only if influent Hg concentrations ≤ 10 ug/L
	RO, BAT only if influent Hg concentrations ≤ 10 ug/L
	(ug=micrograms)
Nickel	IX
	LIME
	RO
Nitrate	IX
	RO
	ED
Nitrite	IX
	RO
Selenium	AAL
	C/F, BAT for Se(IV) only

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

	LIME	
	RO	
	ED	
Thallium	AAL	
	IX	

Abbreviations		
	AAL	Activated alumina
	C/F	Coagulation/filtration
	DDF	Direct and diatomite filtration
	GAC	Granular activated carbon
	IX	Ion exchange
	LIME	Lime softening
	RO	Reverse osmosis
	CC	Corrosion control
	ED	Electrodialysis
	Cl[2]	Oxidation (chlorine)
	UV	Ultraviolet irradiation

BOARD NOTE: Derived from 40 CFR 141.62 (1995).

(Source: Amended at 20 Ill. Reg. 14493, effective October 22, 1996)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 12, 1999 through October 18, 1999 and have been scheduled for review by the Committee at its November 16, 1999 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
11/27/99	Department of Human Services, Criteria for the Evaluation of Programs of Services in Community Rehabilitation Programs (89 Ill Adm Code 530)	8/20/99 23 Ill Reg 9598	11/16/99
11/27/99	Department of Human Services, Eligibility (89 Ill Adm Code 682)	8/20/99 23 Ill Reg 9623	11/16/99
11/27/99	Department of Revenue, Property Tax Code (86 Ill Adm Code 110)	7/30/99 23 Ill Reg 8639	11/16/99
11/28/99	Department of Professional Regulation, Pharmacy Practice Act of 1987 (68 Ill Adm Code 1330)	8/27/99 23 Ill Reg 10103	11/16/99
12/1/99	Department of Central Management Services, Repeal of Forms Management (44 Ill Adm Code 4200)	8/20/99 23 Ill Reg 9585	11/16/99

PROCLAMATIONS

99-352
ABRAHAM LINCOLN NATIONAL CEMETERY DAY(Revised)

WHEREAS, the National Systems Administration was established by Congress and approved by President Abraham Lincoln in 1862 to provide for the proper burial and registration of Civil War dead; and

WHEREAS, today the National Systems Administration comprises 117 cemeteries in 39 states, as well as 34 soldiers' lots and monument sites; and

WHEREAS, today we dedicate the Abraham Lincoln National Cemetery in Illinois that will be a lasting tribute to those who have served; and

WHEREAS, the Abraham Lincoln National Cemetery will now provide an appropriate burial place for those who have served in our nation's Armed Forces and their family members; and

WHEREAS, the State of Illinois is rich with traditions of military service men and women, and is home to nearly one million veterans and their families;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 3, 1999, as ABRAHAM LINCOLN NATIONAL CEMETERY DAY in Illinois.

Issued by the Governor September 17, 1999.

Filed by the Secretary of State September 27, 1999.

99-404
JOINT CIVIC COMMITTEE OF ITALIAN AMERICANS DAY

WHEREAS, Christopher Columbus and other distinguished Italians have played a significant role in the growth of American civilization; and

WHEREAS, the Italian American community has preserved and proudly shared their rich culture, heritage and talents with our state and its citizens; and

WHEREAS, Italian Americans have contributed greatly to Illinois in all areas of life including education, business, science, medicine, arts, sport, entertainment, and government; and

WHEREAS, the Joint Civic Committee of Italian Americans, founded in 1950, is an umbrella organization for more than 75 organizations dedicated to charitable causes and promoting Italian heritage and culture; and

WHEREAS, Joseph M. Gagliardo, President of the Joint Civic Committee of Italian Americans, announces the annual 47th Christopher Columbus Day Parade will be held October 11, 1999, in Chicago; and

WHEREAS, Anthony Falduto and Paul Butera are the co-chairmen of Christopher Columbus Day Parade; and

WHEREAS, Oscar D'Angelo, who is commended for his many years of dedication and commitment to the Italian American community, will precede the 1999 Christopher Columbus Day Parade as Grand Marshal;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 11, 1999, as JOINT CIVIC COMMITTEE OF ITALIAN AMERICANS DAY in Illinois.

Issued by the Governor September 14, 1999.

Filed by the Secretary of State September 27, 1999.

99-405
CONSTITUTION WEEK

WHEREAS, September 17, 1999, marks the 212th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, our Founding Fathers ordained and established the Constitution of the United States of America to secure the blessings of liberty for themselves and their posterity; and

WHEREAS, it is commendable to honor their staunch courage and wise counsel by studying the Constitution, knowing our rights, and fulfilling our responsibilities entitled to us by the American Colonists who sacrificed and died to establish the freedoms guaranteed to us all by this great document; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, the Prairie State Chapter of the DAR, located in Centralia, Illinois, will be celebrating Constitution Week from September 17-23, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 17-23, 1999, as CONSTITUTION WEEK in Illinois.

Issued by the Governor September 17, 1999.

Filed by the Secretary of State September 27, 1999.

99-406
MALCOLM X COLLEGE 30TH ANNIVERSARY CELEBRATION WEEK

WHEREAS, Malcolm X College, one of the City Colleges of Chicago, serves a culturally rich and diverse community and is dedicated to "empowerment through education"; and

WHEREAS, Malcolm X College offers innovative and progressive programs in business, child development, health sciences, nursing, liberal arts, adult learning skills, continuing education, contract training and workforce preparation; and

WHEREAS, Malcolm X College provides services to the community, local high schools and area business; and

WHEREAS, Malcolm X College will celebrate its 30th Anniversary from September 26, 1999, through October 2, 1999, with activities that include a re-enactment of the "Walk over the Bridge"; an International Day; a public forum for community-based organizations; a student showcase, "Hawks Running Wild"; West Side Learning Center Service Providers Reception; an Alumni Open House; Homecoming Parade and Anniversary Gala Dinner Dance expected to draw more than 5,000 students and community residents; as well as over 100 corporations and nonprofit organizations;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 26-October 2, 1999, as MALCOLM X COLLEGE 30th ANNIVERSARY CELEBRATION WEEK in Illinois.

Issued by the Governor September 17, 1999.

Filed by the Secretary of State September 27, 1999.

99-407
CERTIFIED PROFESSIONAL SECRETARIES MONTH

WHEREAS, the Certified Professional Secretaries (CPS) rating is one of the highest honors attainable in the secretarial profession; and

WHEREAS, professionals in government, business, and industry recognize that

secretaries who have such a rating can be valuable service to them; and

WHEREAS, to obtain this certification, secretaries must satisfactorily demonstrate their judgment, understanding, and administrative capabilities in an examination administered by the Institute for Certifying Secretaries; and

WHEREAS, certified secretaries possess knowledge and skill in business, public policy, economics, management, communication, decision-making, financial analysis, and office procedures; and

WHEREAS, the CPS rating has been awarded to more than 40,000 secretaries in our nation, nearly 2,000 of whom live in Illinois; and

WHEREAS, Illinois ranks fourth in the United States in the number of CPS rated individuals;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1999 as CERTIFIED PROFESSIONAL SECRETARIES MONTH in Illinois.

Issued by the Governor September 20, 1999.

Filed by the Secretary of State September 27, 1999.

99-408
JUNIOR LEAGUE OF EVANSTON-NORTH SHORE DAY

WHEREAS, founded in 1924, the Junior League of Evanston-North Shore is a member of the Association of Junior Leagues International made up of over 200,000 women in four countries who are committed to promoting volunteerism, developing the potential of women, and to improving the community through the effective action and leadership of trained volunteers; and

WHEREAS, the Junior League of Evanston-North Shore, Inc. is a volunteer organization of approximately 600 women from over 30 communities in the Chicago metropolitan area; and

WHEREAS, the efforts, commitment, and dedication of the Junior League of Evanston-North Shore and its volunteer members in serving the community in the past 75 years should be commended; and

WHEREAS, the benefits to local communities and the state from the programs and volunteer contributions of the Junior League of Evanston-North Shore, including, more recently, an AIDS awareness and education program, a character-based storytelling program for preschoolers, mentoring for young parents and teens at risk, just to name a few, have had a tremendous impact on the community; and

WHEREAS, the importance of volunteerism in the communities and thus encouraging the Junior League of Evanston-North Shore membership, its community partners and supporters will continue this work throughout the millennium;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 30, 1999, as JUNIOR LEAGUE OF EVANSTON-NORTH SHORE DAY in Illinois.

Issued by the Governor September 20, 1999.

Filed by the Secretary of State September 27, 1999.

99-409
PROVIDENT FOUNDATION DAY

WHEREAS, on September 24, 1999, the Provident Foundation will hold its 2nd Annual Living Legacy Gala at the Drury Lane Martinique in Evergreen Park; and

WHEREAS, the mission of the Provident Foundation is to prepare the legacy of the historic Provident Hospital and its founder, Dr. Daniel Hale Williams; and

WHEREAS, the Provident Foundation will award Living Legacy Scholarships to

students who are pursuing careers in a medical or health profession at Malcolm X City College, Chicago State University and Rush Presbyterian St. Luke's Medical School; and

WHEREAS, the Provident Foundation will recognize the contributions of Dr. Clyde Reynolds, the former chief executive officer at the historic Provident Hospital from 1946-1971; and

WHEREAS, the Provident Foundation will recognize Rev. Albert Tyson, Pastor, and the St. Stephen AME Church for their contribution to the founding of the historic Provident Hospital in 1890; and

WHEREAS, in 1890, Rev. Louis Reynolds, pastor of St. Stephen AME Church, approached Dr. Daniel Hale Williams to help his sister, Emma Reynolds, attend a nursing school; and

WHEREAS, in 1891, Provident Hospital and Training Schools was established to provide "proper care of sick and injured without regard to race, creed or color"; and

WHEREAS, in 1999, the Provident Foundation will recognize the Provident Hospital, "Baby of the Century";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim, September 24, 1999, as PROVIDENT FOUNDATION DAY in Illinois.

Issued by the Governor September 20, 1999.

Filed by the Secretary of State September 27, 1999.

99-410
SMILES TAG DAYS

WHEREAS, for 40 years, Little City Foundation has been a nationally recognized leader in providing programs and services for persons with developmental challenges; and

WHEREAS, on September 30 and October 1 & 2, 1999, Little City Foundation will hold its annual "Smiles for Little City" Tag Days throughout the state; and

WHEREAS, this annual tradition is made possible through the efforts of hundreds of Illinois residents who unselfishly volunteer their time and effort under the leadership of the Little City Foundation Parent/Family/Guardian Group; and

WHEREAS, the Little City Foundation has remained dedicated to helping individuals reach their full potential, and live meaningful and productive lives with dignity and respect; and

WHEREAS, they are ably supported by government, business and labor leaders across the state;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 30-October 2, 1999, as SMILES TAG DAYS in Illinois.

Issued by the Governor September 20, 1999.

Filed by the Secretary of State September 27, 1999.

99-411
STAMP COLLECTING MONTH

WHEREAS, over 150 years ago, the United States commemorative stamps began honoring people, places, and events that have shaped our country's history; and

WHEREAS, today more than 22 million Americans, including 920,100 children in Illinois, collect and learn about our country through stamps, making it one of

the most popular hobbies in the nation/world; and

WHEREAS, we stand on the threshold of a new century, and it is important that we pause to reflect on our nation's history. Stamps honor statesmen and soldiers as they fought for freedom and democracy, recognize our scientific and technological achievements, pay tribute to our artistic legacy, and celebrate the strength of our diversity; and

WHEREAS, starting October 1, 1999, National Stamp Collecting Month will transform more than 100 schools, libraries, and post offices into learning centers where our young people can honor the past and celebrate the future through stamps. The founders and participants of National Stamp Collecting Month include millions of adults and youth collectors, thousands of teachers and schools, the American Philatelic Society, and the United States Postal Service; and

WHEREAS, the people, places, and events shaping America today will be on commemorative stamps tomorrow. National Stamp Collecting Month helps to empower our children and future generations to study our history and learn from it. As they learn the lessons of the past, these children will be better prepared to guide our Nation into the future;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1999 as STAMP COLLECTING MONTH in Illinois.

Issued by the Governor September 20, 1999.

Filed by the Secretary of State September 27, 1999.

99-412
ILLINOIS STATE GREAT CATFISH COOKOFF AND MURPHYSBORO BARBECUE CHAMPIONSHIP DAY

WHEREAS, The Great Catfish Cookoff is being held in conjunction with the Illinois State Murphysboro Barbecue Championship; and

WHEREAS, The Great Catfish Cookoff is one of the largest and most distinguished catfish cookoffs in the State of Illinois with the catfish cooking teams competing in 10-15 states each year; and

WHEREAS, The Great Catfish Cookoff honors its gold and platinum sponsors and the ambassadors from the Murphysboro Barbecue Championships;

THEREFORE, I George H. Ryan, Governor of the State of Illinois, proclaim September 23, 1999, as the ILLINOIS STATE GREAT CATFISH COOKOFF and MURPHYSBORO BARBECUE CHAMPIONSHIP DAY in Illinois.

Issued by the Governor September 21, 1999.

Filed by the Secretary of State September 27, 1999.

99-413
LIEUTENANT GENERAL ROGER G. THOMPSON, JR. DAY

WHEREAS, Lieutenant General Roger Gray Thompson, Jr. entered the United States Army in 1966 as a graduate of the United States Military Academy at West Point; and

WHEREAS, he was commissioned a second lieutenant in the artillery and command firing battles in Fort Hood, Texas and Vietnam; and

WHEREAS, after transferring to the Transportation Corps, he commanded at the company, battalion, brigade and major command levels; and

WHEREAS, he has also served in the comptroller positions at the major command and Department of the Army levels; and

WHEREAS, he is deputy commander in chief of the United States Transportation Command at Scott Air Force Base, Illinois; and

WHEREAS, as a unified command deputy commander in chief, he is responsible for the day-to-day operations of the nation's defense transportation system; and

WHEREAS, he ensures that service transportation components from the Army, Navy and Air Force are mission-ready to support the United States mobility requirements;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 30, 1999, as LIEUTENANT GENERAL ROGER G. THOMPSON, JR. DAY in Illinois in honor of his retirement and in appreciation of his dedicated service to our country.

Issued by the Governor September 21, 1999.

Filed by the Secretary of State September 27, 1999.

99-414
NAVY RECOGNITION AND APPRECIATION DAY

WHEREAS, the U.S. Navy was formed on October 13, 1775; and

WHEREAS, thousands of citizens of Illinois can trace their ancestry and heritage to lands across the oceans of the world; and

WHEREAS, much of the produce we grow and many of the products we manufacture for our livelihood are exported to countries across the seas; and

WHEREAS, many of the items we use in our daily lives are imported from across the free sea lanes; and

WHEREAS, thousands of Illinois' citizens have served in the U.S. Navy, including the still-living Medal of Honor recipients James B. Stockdale and Eugene B. Fluckey; and

WHEREAS, thousands of sailors are serving aboard, or supporting, ships that represent this state, such as the USS Chicago and the USS Abraham Lincoln; and

WHEREAS, hundreds of sailors of this state paid the ultimate price to procure our freedom; and

WHEREAS, all sailors, past and present, connected to Illinois have sacrificed and faced danger on our behalf to keep the sea lanes open and our people free;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 13, 1999, as NAVY RECOGNITION AND APPRECIATION DAY in Illinois.

Issued by the Governor September 21, 1999.

Filed by the Secretary of State September 27, 1999.

99-415
RITA R. HEAD DAY

WHEREAS, after 15 years of service to the organization that became the Bradley-Bourbonnais Chamber of Commerce, Rita R. Head has resigned; and

WHEREAS, Ms. Head began her chamber career working for the Bradley Association of Commerce and Industry (BACI) in 1985 helping to build membership from 69 to 115 members in the first year; and

WHEREAS, in 1987, Ms. Head was hired by the board of the Bourbonnais Chamber of Commerce as their membership representative helping from 1987 to 1989 to increase the membership from 105 to 146 members; and

WHEREAS, Ms. Head began to facilitate a two-year merger of the BACI and Bourbonnais Chamber of Commerce that saw the formation of the 269 member

Bradley-Bourbonnais Chamber of Commerce in 1989; and

WHEREAS, under the leadership of Rita, the BBCC held the Biggest Christmas Party in Kankakee County, distributed Red Ribbons for anti-drug week, initiated the Businessperson of the Year Award, held the first "Field of Dreams-Taste of Bradley-Bourbonnais," started new member orientation programs, developed the Leadership Development Institution and created the GREETERS service; and

WHEREAS, her work with the Business/Education Partnership earned the BBCC the Illinois State Board of Education's Exemplary Award; and

WHEREAS, she instituted a membership promotion program called "I"ll Try Anything Once" where over 131 businesses were highlighted as Ms. Head became employee for a day; and

WHEREAS, though she will be greatly missed by her coworkers and those she has helped throughout her career at the Bradley-Bourbonnais Chamber of Commerce, Rita will be successful in her exploration for new opportunities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 30, 1999, as RITA R. HEAD DAY in Illinois.

Issued by the Governor September 21, 1999.

Filed by the Secretary of State September 27, 1999.

99-416
DENTAL HYGIENE MONTH

WHEREAS, 1999 marks the 52nd year that dental hygienists, as licensed oral healthcare professionals, have been actively promoting oral health and preventing diseases in Illinois; and

WHEREAS, there are over 5,500 practicing dental hygienists in the State of Illinois; and

WHEREAS, dental hygienists, as preventive specialists, contribute to the oral health of Illinois residents and provide an essential service contributing to their total health; and

WHEREAS, dental hygienists voluntarily give of their time and effort in providing educational and preventative oral healthcare services to special needs group such as the elderly, mentally and physically disabled, the underprivileged and children; and

WHEREAS, these services are essential in the dental office, public health facilities, private organizations, and research facilities to provide the best possible oral healthcare for all citizens; and

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1999 as DENTAL HYGIENE MONTH in Illinois.

Issued by the Governor September 22, 1999.

Filed by the Secretary of State September 27, 1999.

99-417
FAMILY HEALTH MONTH

WHEREAS, Illinois family physicians have a history of dedication to our health and well-being, and a continued commitment to upgrade the quality of available medical care; and

WHEREAS, family practice is the specialty that provides training in the treatment of all age groups and organ systems, as well as in obstetrical care which is so needed in the state's many medically underserved areas; and

WHEREAS, family physicians believe prevention and early diagnosis of

healthcare problems provide a better chance for complete cure and recovery; and

WHEREAS, there has been a call to improve the supply of primary care physicians -- especially family physicians -- to provide the comprehensive, preventative care necessary in a reformed cost-effective and efficient healthcare system; and

WHEREAS, the Illinois Academy of Family Physicians is committed to making family physicians available to all citizens of our state to promote the importance of regular checkups and wellness;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1999 as FAMILY HEALTH MONTH in Illinois.

Issued by the Governor September 22, 1999.

Filed by the Secretary of State September 27, 1999.

99-418
KIDS TECH 2000 DAY

WHEREAS, Sara Barnett and Yvonne Killebrew started a minority and female-owned corporation in the State of Illinois whose mission is the publication of books, which educate children, and also marketing venues to acquainted our youth with current technology; and

WHEREAS, Sara Barnett and Yvonne Killebrew started KidsTech 2000 to provide students with an awareness of the many different educational outlets that some top technological companies offer; and

WHEREAS, Illinois companies such as IBM, St. Paul Federal Bank, Interface Cellular Communications, Inc., Chicago School Partners, Microsoft, Bull's Scholars Program, Digital Schoolhouse, Computer Associates, DeVry, and Harris In Sight Funds will exhibit and provide information to students at KidsTech 2000; and

WHEREAS, KidsTech 2000 will take place, September 24th and 25th, 1999, at the Illinios Institute of Technology, Chicago, Illinois, to provide technological insight and information to students;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 24, 1999, as KIDS TECH 2000 DAY in Illinois.

Issued by the Governor September 22, 1999.

Filed by the Secretary of State September 27, 1999.

99-419
YOUNG ADOLESCENT MONTH

WHEREAS, the period of early adolescence (ages 10-15 years) is a distinct, developmental period between childhood and full adolescence; and

WHEREAS, this period has been little understood nor has its importance been recognized; and

WHEREAS, youth between the ages of approximately 10-15 years undergo more extensive physical, mental, social, moral, and emotional changes than at any other time of life, with the possible exception of infancy; and

WHEREAS, the attitudes and values that young adolescents develop during these formative years largely determine their later behavior; and

WHEREAS, parents continue as primary models and guides, even as young adolescents give increased attention to the peer group; and

WHEREAS, the community itself is also a "classroom" in which young adolescents learn many lessons; and

WHEREAS, much valuable information and research about this important age group now exists and Illinoisans should celebrate by extending their knowledge about these critical years and support the health development of young adolescents;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1999 as YOUNG ADOLESCENT MONTH in Illinois.

Issued by the Governor September 22, 1999.

Filed by the Secretary of State September 27, 1999.

99-420
AMERICAN PAINT HORSE ASSOCIATION DAY

WHEREAS the American Paint Horse Association (APHA) was created in 1962 as the American Paint Stock Horse Association, and in 1966 merged with the American Paint Quarter Horse Association; and

WHEREAS, the APHA's mission is to collect, record and preserve the pedigrees of American Paint Horses and to promote the breed; and

WHEREAS, while Paint Horses have been on the equine scene for hundreds of years, they have been developed into a colorful and versatile line of horses that has become the fastest-growing and second-largest breed in number of annual registrations; and

WHEREAS, the American Paint Horse Association registered a total of 1,542 horses foaled in the State of Illinois in 1998. The State of Illinois also ranks ninth in the total number of show entries and APHA memberships for 1998; and

WHEREAS, the current president of the American Paint Horse Association, Pat Newman, resides in the State of Illinois. Now, Chicago, Illinois, is proud to be the site for the 29th Annual American Paint Horse Association Convention;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1, 1999, as AMERICAN PAINT HORSE ASSOCIATION DAY in Illinois.

Issued by the Governor September 22, 1999.

Filed by the Secretary of State October 1, 1999.

99-421
BRUCE F. CLAY DAY

WHEREAS Bruce F. Clay has served the people of the State of Illinois with dedication and distinction for 35 years; and

WHEREAS Bruce has played a key role in many state agencies, including the Department of Corrections, the Department of Conservation, the Secretary of State's Office and the Department of Natural Resources; and

WHEREAS throughout his career, Bruce Clay has earned the love and respect of his coworkers and a reputation as a tough, but fair, boss with the highest standards of honesty and integrity; and

WHEREAS Bruce's leadership resulted in an immaculate Capitol complex and a state park system with top-notch lodges that are among the best in the nation; and

WHEREAS Bruce has exemplified truly outstanding public service and has served as a mentor and role model for others to follow; and

WHEREAS it is time now for Bruce to relax and spend his time hunting and fishing; and

WHEREAS, on September 30, 1999, a reception will be held in Springfield in

honor of Bruce Clay's retirement;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 30, 1999, as BRUCE F. CLAY DAY in Illinois.

Issued by the Governor September 23, 1999.

Filed by the Secretary of State October 1, 1999.

99-422
GREER'S RESIDENTIAL CENTER DAY

WHEREAS, Greer's Residential Center has been serving teen mothers and their children for 10 years; and

WHEREAS, GRC was incorporated on August 11, 1989, in Illinois as a nonprofit organization. The center's doors opened on March 7, 1999, and has provided care for more than 200 residents; and

WHEREAS, GRC establishes a stable, loving and traditional homelike environment. GRC aids teen mothers in leading productive and independent lives and encourages fathers to regularly participate in their children's lives; and

WHEREAS, the center's 24 member staff and more than 50 volunteers prepare residents with the self-esteem, motivation and education needed for parenthood and independent living; and

WHEREAS, Greer's Residential Center is honoring one individual and three organizations for their strong commitment to disadvantaged families. These honorees are just a few who have made a difference in the lives of so many others;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1, 1999, as GREER'S RESIDENTIAL CENTER DAY in Illinois.

Issued by the Governor September 23, 1999.

Filed by the Secretary of State October 1, 1999.

99-423
GREG JOSEFOWICZ DAY

WHEREAS, Greg Josefowicz is a community leader with compassion and concern for his fellow man; and

WHEREAS, Greg Josefowicz oversees the management and operations of 270 Jewel-Osco stores in Illinois, Indiana, Iowa and Wisconsin. He has served as President since 1997 and previously as Senior Vice President of Marketing and Advertising; and

WHEREAS, Greg Josefowicz is personally continuing that involvement through his service on the boards of the Greater Chicago Food Depository, Food Industry Crusade Against Hunger, the Trustees of the Museum of Science & Industry, and the Kellogg Graduate School of Management Advisory Board; and

WHEREAS, Mr. Josefowicz also serves as the Chairman of the Leadership Committee for the Alivio medical center capital campaign and as a Regional Chairman for the 1999 Campaign for United Way/Crusade of Mercy. Mr. Josefowicz was previously honored as the 1996 Food Industry Executive of the Year Award by the Greater Chicago Food Depository; and

WHEREAS, Greg Josefowicz is a graduate of Northwestern University's Kellogg School of Management. Mr. Josefowicz is a wonderful husband and father to his wife, Carol, and their three daughters, Lauren, Lynne, and Leslie; and

WHEREAS, in light of his accomplishments, Greg Josefowicz has been honored as the 1999 Illinois Retailer of the Year by the Illinois Retail Merchants

Association;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 28, 1999, as GREG JOSEFOWICZ DAY in Illinois.

Issued by the Governor September 23, 1999.

Filed by the Secretary of State October 1, 1999.

99-424
JACK W. COVER HOMECOMING DAY

WHEREAS, Jack W. Cover was appointed and is now serving as Illinois American Legion Department Commander for 1999; and

WHEREAS, he has always given freely of his time and experience in furthering the objectives of The American Legion; and

WHEREAS, Mr. Cover has been a member of The American Legion for 52 continuous years, and is a life member; and

WHEREAS, Jack Cover, as The American Legion Chairman of the Korean Memorial Committee, through his design and sale of the Illinois Korean War Memorial Pin, received over $100,000 in contributions for the Korean Veterans War Memorial; and

WHEREAS, Jack stands ready to help provide a better way of life for the veterans and the youth of our great State of Illinois; and

WHEREAS, on September 25, 1999, a celebration for Jack Cover will be held in Robinson, Illinois, attended by Legionnaires and their families;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim, September 25, 1999, as JACK W. COVER HOMECOMING DAY in Illinois.

Issued by the Governor September 23, 1999.

Filed by the Secretary of State October 1, 1999.

99-425
MAKE A DIFFERENCE DAY

WHEREAS, each year USA WEEKEND magazine and the Points of Light Foundation challenge Americans to spend their Saturday "making a difference" in their communities and in the lives of those in need; and,

WHEREAS, Make a Difference Day was founded to promote volunteer efforts that make our community a better, cleaner, safer place to live, work and play; and

WHEREAS, last year nearly two million people volunteered on this one day and millions of people benefited from their efforts; and,

WHEREAS, this year marks the ninth annual Make A Difference Day and millions of volunteers, corporations, government leaders and charitable organizations are expected to be participating in the Make a Difference Day activities; and,

WHEREAS, a day of volunteerism and community services is valuable to the community and gives a feeling of accomplishment and compassion to every participant;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 23, 1999, as MAKE A DIFFERENCE DAY in Illinois and encourage all citizens to observe and participate.

Issued by the Governor September 23, 1999.

Filed by the Secretary of State October 1, 1999.

99-426
MINORITY ENTERPRISE DEVELOPMENT WEEK

WHEREAS, Minority Enterprise Development Week is an annual celebration of the contributions and achievements made by minority businesses in Illinois and throughout the United States; and

WHEREAS, our state's growth and prosperity depend on the full participation of all Illinois citizens; and

WHEREAS, it is the policy in Illinois to promote and encourage the economic development of minority owned businesses; and

WHEREAS, for the past 15 years, this state has made great advances in increasing the participation of the minority community in state business; and

WHEREAS, on October 19, 1999, business and professional leaders from across the region will join together at the 17th Annual Minority Enterprise Development Week awards ceremony to honor Chicago's outstanding minority business entrepreneurs throughout the state for 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 18 - 22, 1999, as MINORITY ENTERPRISE DEVELOPMENT WEEK in Illinois to recognize the contributions and achievements of minority entrepreneurs throughout our state.

Issued by the Governor September 23, 1999.

Filed by the Secretary of State October 1, 1999.

99-427
SHULAMIT RAN DAY

WHEREAS, The Contemporary Music Festival began in 1967 with a grant from the Rockefeller Foundation; and

WHEREAS, the principal objective of the festival, unchanged since its inception, is to stimulate recognition of contemporary orchestral music as a valuable artistic expression of our time; and

WHEREAS, The Contemporary Music Festival provides both a learning environment and a performance opportunity for contemporary composers and students of new music; and

WHEREAS, the festival also brings a prominent music critic to lecture on music and journalism in the classroom setting and interacts personally with conductors, visiting composers, students and people from Terre Haute and beyond; and

WHEREAS, Shulamit Ran, winner of the 1991 Pulitzer Prize in composition and composer at the University of Chicago, is a great asset to the State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 8, 1999, as SHULAMIT RAN DAY in Illinois.

Issued by the Governor September 23, 1999.

Filed by the Secretary of State October 1, 1999.

99-428
PILSEN YMCA DAY

WHEREAS, the Pilsen YMCA has been an integral part of the Chicago Metropolitan area for 17 years; and

WHEREAS, the Pilsen YMCA has served thousands of children and families through its teen leaders programs, Black and Hispanic Achievers, Mentoring, and sports programs; and

WHEREAS, the YMCA has also provided Head Start for preschoolers and senior

citizens. English as a Second Language and the listening lab help new immigrants become full members of the United States society; and

WHEREAS, the Pilsen YMCA prepares to build a new facility it is important that citizens lend their support to extend the outreach programs to a greater service area in the Latino community;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim September 26, 1999 as Pilsen YMCA Day in Illinois.

Issued by the Governor September 24, 1999.

Filed by the Secretary of State October 1, 1999.

99-429
THE PARTNERSHIP FOR FAMILY INVOLVEMENT IN EDUCATION: GET INVOLVED! MONTH

WHEREAS, thousands of partners pledge their support for student learning to high standards through this growing grassroots movement; and

WHEREAS, involving families and communities directly results in better student achievement and lower levels of safety and discipline infractions; and

WHEREAS, involving families and schools in children's learning includes a broad range of activities and concerns to be addressed; and

WHEREAS, involving families and schools can enhance the morale and quality of the school environment; and it is the stated objective of the public school to prepare children for a productive role in our society; and

WHEREAS, "The Partnership for Family Involvement in Education" focuses on increasing opportunities for families to be more involved in their children's learning at school and at home, and to use family-school-community partnerships to strengthen schools and improve student achievement;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September, 1999, as The Partnership for Family Involvement in Education: Get Involved! month in Illinois.

Issued by the Governor September 24, 1999.

Filed by the Secretary of State October 1, 1999.

99-430
VOLUNTEER BLOOD DONOR MONTH

WHEREAS, the demand for blood is greater today than ever, with patients in need of a blood transfusion every three seconds; and

WHEREAS, annually, approximately 590,000 units of blood are donated, yet there are about 600,000 units of blood needed for transfusions throughout Illinois; and

WHEREAS, only 300,000 people are estimated to donate blood each year out of the 6.6 million who are eligible to donate blood in Illinois. But many more donors are needed because accident victims, surgical patients and Leukemia and other cancer patients all utilize donated blood; and

WHEREAS, donating blood is a fast and safe way we can help our fellow citizens;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 1999 as VOLUNTEER BLOOD DONOR MONTH in Illinois.

Issued by the Governor September 24, 1999.

Filed by the Secretary of State October 1, 1999.

99-431
RADIOLOGIC TECHNOLOGISTS WEEK

WHEREAS, expanding health services and advancing knowledge are creating an increasing demand for the services of qualified radiologic technologists; and

WHEREAS, radiologic technologists are concerned with the conservation of life, health and the prevention of disease; and

WHEREAS, radiologic technology offers skilled and capable individuals an opportunity for leadership in the development of health programs and the personal satisfaction that comes from helping others; and

WHEREAS, the Illinois State Society of Radiologic Technologists is holding its 64th Annual State Conference September 30 through October 2, 1999, in Effingham, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 30-October 2, 1999, as RADIOLOGIC TECHNOLOGISTS WEEK in Illinois.

Issued by the Governor September 27, 1999.

Filed by the Secretary of State October 1, 1999.

99-432
Y-ME BREAST CANCER DAY

WHEREAS, founded in 1978, Y-ME National Breast Cancer Organization is the largest independent organization in the country serving women with breast cancer, their families and friends; and

WHEREAS, Y-ME promotes methods and the importance of early detection for improving the survival rate of women with breast cancer; and

WHEREAS, Y-ME volunteers lead 30 "Open Door" education and support meetings each month throughout Illinois; and

WHEREAS, Y-ME is committed to addressing needs not currently met by traditional health care providers; and

WHEREAS, the Y-ME National Breast Cancer Organization will hold its 19th Annual Luncheon/Fashion Show on October 30, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 30, 1999, as Y-ME BREAST CANCER DAY in Illinois.

Issued by the Governor September 27, 1999.

Filed by the Secretary of State October 1, 1999.

99-433
CHIROPRACTIC HEALTH CARE MONTH

WHEREAS, doctors of chiropractic throughout the United States are active in community programs targeted at improving the health of our citizens; and

WHEREAS, chiropractors have long stressed that exercise, good posture, and balanced nutrition are essential to proper growth, development, and health maintenance; and

WHEREAS, the science of chiropractic and the physicians who practice it have contributed greatly to the better health of some two million of our state's citizen's; and

WHEREAS, the Illinois Chiropractic Society will hold its fall convention October 15-17, 1999, in Decatur;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1999 as CHIROPRACTIC HEALTH CARE MONTH in Illinois.

Issued by the Governor September 28, 1999.
Filed by the Secretary of State October 1, 1999.

99-434
ASSOCIATION OF NEW EARLY ENTREPRENEUR WONDERS DAYS

WHEREAS, the Association of New Early Entrepreneur Wonders is a student-run, non-profit organization that exists to encourage individuals born after 1978, to develop and operate businesses within their communities; and

WHEREAS, young entrepreneurs from across the nation will have the opportunity to learn, network and showcase their talents at the "Business Futures Exposed" Convention at the Renaissance Hotel Chicago, September 24- 26, 1999; and

WHEREAS, the convention, gathering 800 high school and collegiate young entrepreneurs, is designed to motivate students to explore an entrepreneurship as a way of life, to share ideas with other participants and to provide networking opportunities. Seminars, workshops and forums led by professionals and successful entrepreneurs will offer participants insight into the business world;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 24-26, 1999, as ASSOCIATION OF NEW EARLY ENTREPRENEUR WONDERS DAYS in Illinois.

Issued by the Governor September 29, 1999.
Filed by the Secretary of State October 1, 1999.

99-435
PARTNERS HOME CARE DAY

WHEREAS, Partners Home Care was established in 1976 to provide comprehensive medical and social services necessary to maintain elderly individuals in their own homes as an alternative to hospitalization or nursing home placement; and

WHEREAS, Partners Home Care provides more than 82,000 visits each year, with a staff of more than 10 dedicated individuals and with more than 100 compassionate volunteers; and

WHEREAS, Partners Home Care Foundation was formed to raise funds to support the Long Term Care Program of Partners Home Care; and

WHEREAS, the Foundation Board will sponsor its annual Honorable & Mrs. G. Stratton Humanitarian of the Year Award Dinner honoring Ruth M. Rothstein on November 18, at the Chicago Hilton & Towers;

THEREFORE, I George H. Ryan, Governor of the State of Illinois, proclaim November 18, 1999, as PARTNERS HOME CARE DAY in Illinois.

Issued by the Governor September 29, 1999.
Filed by the Secretary of State October 1, 1999.

Rules acted upon during the calender quarter from Issue 43 through Issue 52 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 orjnatale@ccgate.sos.state.il.us (Internet address).

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